

CT:ACS

August 17, 1935.

MEMORANDUM FOR MR. CLEGG  
MR. CLEGG

Please place the following name on  
the mailing list maintained in your office:

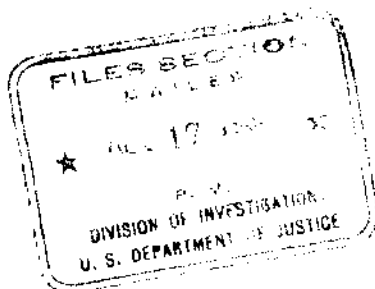
Emmanuel Felix Frankfurter,  
Professor of Law,  
Harvard University Law School,  
Cambridge, Massachusetts.

Very truly yours,

John Edgar Hoover,  
Director.

RECORDED  
&  
INDEXED

N.  
62-37354-1  
FEDERAL BUREAU OF INVESTIGATION  
AUG 19 1935 A.M.



CT:ACS

August 17, 1935.

62-37356-2

Honorable Felix Frankfurter,  
Professor of Law,  
Harvard University Law School,  
Cambridge, Massachusetts.

Dear Professor Frankfurter:-

I want you to know how much I enjoyed our discussion recently. It occurred to me that you might desire to receive some material concerning the various activities of the Federal Bureau of Investigation and I am taking pleasure in enclosing herewith a number of booklets dealing with the various phases of our work. I have also arranged for your name to be placed on the mailing lists of the Bureau in order that you may receive additional material from time to time relating to our work.

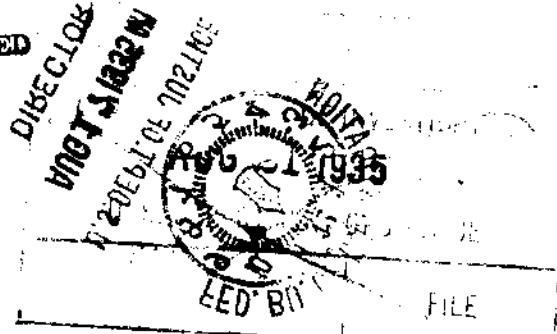
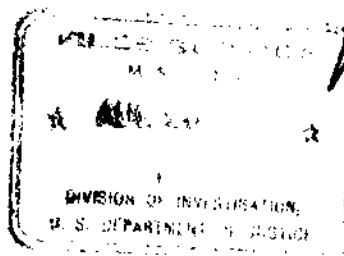
With kind regards, I am

Sincerely yours,

|              |       |
|--------------|-------|
| Mr. Nathan   | ..... |
| Mr. Tolson   | ..... |
| Mr. Baughman | ..... |
| Chief Clerk  | ..... |
| Mr. Clegg    | ..... |
| Mr. Coffey   | ..... |
| Mr. Edwards  | ..... |
| Mr. Egan     | ..... |
| Mr. Foxworth | ..... |
| Mr. Harbo    | ..... |
| Mr. Joseph   | ..... |
| Mr. Keith    | ..... |
| Mr. Lester   | ..... |
| Mr. Quinn    | ..... |
| Mr. Scheidt  | ..... |
| Mr. Schilder | ..... |
| Mr. Tamm     | ..... |
| Mr. Tracy    | ..... |
| Miss Gandy   | ..... |

|              |       |
|--------------|-------|
| Mr. Nathan   | ..... |
| Mr. Tolson   | ..... |
| Mr. Baughman | ..... |
| Chief Clerk  | ..... |
| Mr. Clegg    | ..... |
| Mr. Coffey   | ..... |
| Mr. Edwards  | ..... |
| Mr. Egan     | ..... |
| Mr. Foxworth | ..... |
| Mr. Harbo    | ..... |
| Mr. Joseph   | ..... |
| Mr. Keith    | ..... |
| Mr. Lester   | ..... |
| Mr. Quinn    | ..... |
| Mr. Scheidt  | ..... |
| Mr. Schilder | ..... |
| Mr. Tamm     | ..... |
| Mr. Tracy    | ..... |
| Miss Gandy   | ..... |

Enclosures.  
Uniform Crime Reports Vol. VI-#2, Second Quarterly Bul  
Address of Mr. Hoover before IACP, Atlantic City, July  
Training of Personnel by Rex Collier  
Fingerprints  
Criminal Identification  
Fugitives Wanted by Police, Aug., 1935.



OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE

August 15, 1935.

Mr. Tolson:

Mr. Hoover requests that the name of  
Felix Frankfurter be added to the mailing  
lists to receive general releases; crime  
bulletins and fugitives bulletins.

Mr. Hoover also requests that a set of the  
releases be mailed now to Mr. Frankfurter.

hwg.

RECORDED

AUG 31 1935

|                                 |               |
|---------------------------------|---------------|
| 62-37356-2                      |               |
| FEDERAL BUREAU OF INVESTIGATION |               |
| AUG 22 1935 .M.                 |               |
| U. S. DEPT. OF JUSTICE          |               |
| MR. TOLSON                      | MR. EDWARDS   |
| MR. CLEGG                       | MR. WINTER    |
| MR. SCHEIDT                     | MR. STANLEY   |
| MR. LADD                        | MR. NICHOLS   |
| MR. TRACY                       | MR. GEARTY    |
| MR. MOHR                        | MR. WATSON    |
| MR. HOLLOMAN                    | MR. GIBSON    |
| MR. ROSEN                       | MR. COUGHLIN  |
| MR. WHELAN                      | MR. CONNELLEY |
| MR. BELMONT                     | MR. DEAN      |
| MR. NEASE                       | MR. GANDY     |
| STAT. SECT.                     | RECORDS       |

JCH:MB

August 17, 1935.

RECORDED

62-37356-3

Honorable Felix Frankfurter,  
Professor of Law,  
Harvard University Law School,  
Cambridge, Massachusetts.

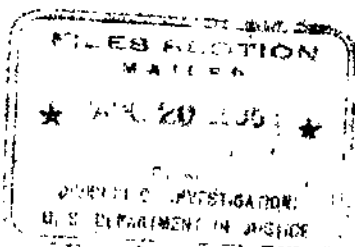
Dear Mr. Frankfurter:

I do want, again, to repeat to you the invitation which I extended to you verbally at the Raleigh on Thursday, namely, that I would indeed consider it a privilege and a pleasure for you to call at the Bureau in order to see first-hand some of our work. I am quite certain you would be particularly interested in the operations of our Identification Division, Crime Laboratory and the Training School. It would be a personal pleasure for me to show you through in order that you may gain first-hand knowledge of what we are trying to do in the field of law enforcement.

With expressions of my very best regards and highest personal esteem, I am

Sincerely yours,  
J. Edgar Hoover

Mr. Nathan  
Mr. Tolson  
Mr. Baughman  
Chief Clerk  
Mr. Clegg  
Mr. Coffey  
Mr. Edwards  
Mr. Egan  
Mr. Foxworth  
Mr. Harbo  
Mr. Joseph  
Mr. Keith  
Mr. Lester  
Mr. Quinn  
Mr. Schildt  
Mr. Schilder  
Mr. Tamm  
Mr. Tracy  
Miss Gandy





OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE

|              |       |
|--------------|-------|
| Mr. Nathan   | ..... |
| Mr. Tolson   | ..... |
| Mr. Baughman | ..... |
| Chief Clerk  | ..... |
| Mr. Clegg    | ..... |
| Mr. Coffey   | ..... |
| Mr. Glavin   | ..... |
| Mr. Ladd     | ..... |
| Mr. Nichols  | ..... |
| Mr. Rosen    | ..... |
| Mr. Tracy    | ..... |
| Miss Gandy   | ..... |

Record of Telephone Call or Visitor

August 25, 1935.

Time \_\_\_\_\_

Name \_\_\_\_\_

Referred to \_\_\_\_\_

Details:

Mr. Felix Frankfurter is not on the  
mailing list.

hwg

*Letter Mr. Frankfurter*  
*8-17-35*  
*fwk*

RECORDED

AUG 26 1935

62-37556-3

FEDERAL BUREAU OF INVESTIGATION

AUG 24 1935 A.M.

U. S. DEPARTMENT OF JUSTICE

DIRECTOR

C  
O  
P  
Y

Law School of Harvard University,  
Cambridge, Mass.

23 Aug.

|             |  |
|-------------|--|
| Mr. Tolson  |  |
| Mr. Clegg   |  |
| Mr. Glavin  |  |
| Mr. Ladd    |  |
| Mr. Nichols |  |
| Mr. Rosen   |  |
| Mr. Tracy   |  |
| Mr. Carson  |  |
| Mr. Egan    |  |
| Mr. Gurnea  |  |
| Mr. Harbo   |  |
| Mr. Hendon  |  |
| Mr. Jones   |  |
| Mr. Mumford |  |
| Mr. Quinn   |  |
| Mr. Nease   |  |
| Mr. Schmitt |  |
| Mr. Tamm    |  |
| Mr. Tracy   |  |
| Miss Gandy  |  |

Dear Mr. Hoover,

It was most kind of you to write me  
and to invite me so cordially. You may be sure that  
I shall avail myself of the opportunity you have  
extended me at the first free opportunity.

With all good wishes,

Sincerely yours,

/s/ Felix Frankfurter

RECORDED

AUG 30 1935

|                                 |         |
|---------------------------------|---------|
| 62-37356-4                      |         |
| FEDERAL BUREAU OF INVESTIGATION |         |
| AUG 30 1935                     |         |
| U. S. DEPT. OF JUSTICE          |         |
| TOLSON                          | SCHEIDT |

COPIES DESTROYED

170 OCT 1 1964

Felix Frankfurter, Harvard Uni.,  
writes to express appreciation for  
invitation extended by Director to  
call at Bureau. Will avail him-  
self of the opportunity at earliest  
possible time.

enk

Law School of Harvard University,

Cambridge, Mass.

23 Aug

Dear Mr. Hoover

It was most kind

of you to write me and  
to invite me to Cordissey.

You may be sure that  
I shall avail myself  
of the opportunity you  
have extended me as  
the first free opportunity  
with all good wishes,

Sincerely yours  
Ruth Langford

62-39356

Mr. Nathan  
Mr. Tolson  
Mr. Baughman  
Chief Clerk  
Mr. Clegg  
Mr. Coffey  
Mr. Edwards  
Mr. Egan  
Mr. Foxworth  
Mr. Harbo  
Mr. Joseph  
Mr. Keith  
Mr. Lester  
Mr. Quinn  
Mr. Schmidt  
Mr. Schilder  
Mr. Tamm  
Mr. Tracy  
Miss Gandy

Supreme Court of the United States  
Washington, D. C.

CHAMBERS OF  
JUSTICE FELIX FRANKFURTER

February 10, 1939

Mr. Tolson  
Mr. E. A. Tamm  
Mr. Clegg  
Mr. Glavin  
Mr. Ladd  
Mr. Nichols  
Mr. Rosen  
Mr. Tracy  
Mr. Carson  
Mr. Egan  
Mr. Gurnea  
Mr. Hendon  
Mr. Pennington  
Mr. Quinn  
Mr. Nease  
Mr. Gandy

My dear Mr. Hoover:

You were very kind to write  
me, and I greatly appreciate your good  
wishes.

Sincerely yours,

*Felix Frankfurter*

Hon. J. Edgar Hoover

**School of Harvard University,  
Cambridge, Mass.**

|               |  |
|---------------|--|
| Mr. Nathan    |  |
| Mr. [unclear] |  |
| Mr. [unclear] |  |
| Chief Clerk   |  |
| Mr. Clegg     |  |
| Mr. Edwards   |  |
| Mr. Egan      |  |
| Mr. Foxworth  |  |
| Mr. Harbo     |  |
| Mr. Joseph    |  |
| Mr. Keith     |  |
| Mr. Lester    |  |
| Mr. Quinn     |  |
| Mr. Schilder  |  |
| Mr. Tamm      |  |
| Mr. Tracy     |  |
| Miss Gandy    |  |

SEP 13 1935

Dear Mr. Hoover,

You are kind

to see the B. I. [unclear]

Let me and I [unclear]  
shall prefer by [unclear]  
as soon as I have  
the first free oppor-  
tunity to read them  
with appreciation.

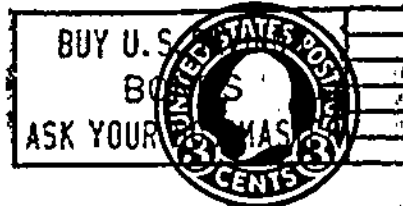
RECORDED

INDEXED

62-37356-5 by Cordell  
FELDER, [unclear] OF INVESTIGATION  
TOLSON SEP 12 1935  
SCHOENBERG  
U. S. DEPARTMENT OF JUSTICE

Miss Gandy

P. P.  
After five days, return to  
HARVARD LAW SCHOOL  
CAMBRIDGE, MASS.



Hon. J. Edgar Hoover,  
Dept. of Justice  
Washington D.C.



Federal Bureau of Investigation  
United States Department of Justice  
Washington, D. C.

KRM:alo'd

Date: October 27, 1942

*me*  
MEMORANDUM FOR MR. MUMFORD *JFMw*

RE: FELIX FRANKFURTER

Mr. Tolson \_\_\_\_\_  
Mr. E.A. Tamm \_\_\_\_\_  
Mr. Clegg \_\_\_\_\_  
Mr. Glavin \_\_\_\_\_  
Mr. Ladd \_\_\_\_\_  
Mr. Nichols \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tracy \_\_\_\_\_  
Mr. Carson \_\_\_\_\_  
Mr. Coffey \_\_\_\_\_  
Mr. Hendon \_\_\_\_\_  
Mr. Kramer \_\_\_\_\_  
Mr. McGuire \_\_\_\_\_  
Mr. Harbo \_\_\_\_\_  
Mr. Quinn Tamm \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Nease \_\_\_\_\_  
Miss Beahm \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

Attached hereto is photostatic material concern-  
ing the captioned matter obtained by the Washington Field  
Office from the files of Walter Steele of the National  
Republic Magazine. This material was made available gratu-  
itously by Mr. Steele and was forwarded to the Bureau by  
letter from the Washington Field Office dated August 27,  
1942.

Respectfully,

*KRM*  
K. R. McIntire *File*

*W*  
ENCL BEHIND FILE  
ENCLO. 16  
*me*  
*103*  
*1148*  
*869*

Enclosures

RECORDED  
&  
INDEXED  
*1148*

*W*

|                |   |   |
|----------------|---|---|
| 62-37356-7     |   |   |
| F              | B | I |
| 16 OCT 28 1942 |   |   |



~~COPIES DESTROYED~~  
~~170-2001-1-1004~~

43 NOV 3 1942

FIVE KRM



RECORDED  
WKH:DCW  
8/17/43

62 37356 8

MEMORANDUM FOR MR. JAMES ROWE  
ASSISTANT TO THE ATTORNEY GENERAL

RE: [REDACTED] (phonetic);  
JUSTICE FELIX FRANKFURTER

b6  
b7C  
b7D

As of possible interest to you, the following information was voluntarily furnished the Bureau by a source who specifically requested that his identity not be revealed.

This informant stated that he had been informed by a close personal friend, [REDACTED] and for whom he, the informant, has the highest respect, that some time ago, [REDACTED]

b6  
b7C  
b7D

He stated that he had been told by his friend that [REDACTED]

b6  
b7C  
b7D

The individual furnishing this information was unable to give any substantiation thereof, but stated that he understood from his friend that [REDACTED]

b7D

In addition to the above information, the informant indicated that [REDACTED] had been told by his friend that Frankfurter is "subversive or anti-American" and "is attempting to overthrow the United States Government." The informant furnished, however, no substantiation for this allegation.

COPIES DESTROYED

170 OCT 1 190

Mr. Tolson  
Mr. E. A. Tamm  
Mr. Clegg  
Mr. Coffey

Mr. Glavin

Mr. Ladd

Mr. Nichols

Mr. Rosen

Mr. Tracy

Mr. Carson

Mr. Egan

Mr. Hendon

Mr. McGuire

Mr. Mumford

Mr. Piper

Mr. Quinn Tamm

Mr. Nease

Miss Gandy

AUG 28 1943 P.M.

COMMUNICATIONS SECTION

RECEIVED

21 255 2 743

Handwritten notes and signatures, including "L. J. Glavin" and "W. C. Clegg".

Memorandum for Mr. James Rowe

Page Two

This individual refused to reveal the identity of his friend from whom he received the above information, stating that such a revelation would result in his friend's dismissal.

The above is being furnished you for your information.

Very truly yours,

John Edgar Hoover

John Edgar Hoover  
Director

*Signed Personally  
by Director*



WKM:LVO

Call: 2:00 PM - 3:15 PM

7-28-43

62-37356

Federal Bureau of Investigation  
United States Department of Justice

Washington, D. C.

August 11, 1943

Mr. Tolson ✓  
Mr. E. A. Tamm ✓  
Mr. Clegg ✓  
Mr. Glavin ✓  
Mr. Ladd ✓  
Mr. Nichols ✓  
Mr. Rosen ✓  
Mr. Tracy ✓  
Mr. Carson ✓  
Mr. Coffey ✓  
Mr. Hendon ✓  
Mr. Kramer ✓  
Mr. McGuire ✓  
Mr. Harbo ✓  
Mr. Quinn Tamm b6  
Tele. Room b7C  
Mr. Nease b7D  
Miss Beahm  
Miss Gandy

MEMORANDUM FOR MR. D. M. LADD

Re: [redacted] (phonetic);  
Justice Felix Frankfurter;  
FRAUD AGAINST THE GOVERNMENT;  
INTERNAL SECURITY (X)

At the above time, on reference from the Director's Office, the writer interviewed [redacted]

After extensive assurances as to his patriotic motives, and after extensive admonitions that the information he was about to furnish and the source thereof must remain strictly confidential, [redacted] stated that he had, on the above date, while talking to a close friend [redacted] received certain information concerning the above captioned individuals which he felt should be called to the Bureau's attention.

He opened his remarks by stating that under no circumstances would or could he reveal the source of this information in view of the fact that if the source became known it would undoubtedly cost the informant his position. After considerable discussion, however, [redacted] stated that he had received this information from a personal friend in whom he has the highest confidence and for whom he bears the greatest respect. [redacted]

[redacted] stated that he was told by [redacted] that some time ago, [redacted]

[redacted] was unable to furnish any identifying information concerning [redacted] or any other spelling of his name other than the above spelling which he stated was phonetic. He was also unable to give any details concerning [redacted]

[redacted] stated that he had been told by his friend that [redacted]



COPIES DESTROYED

170 OCT 1 1964

8-11-43

b6  
b7C  
b7D

[redacted] was unable to furnish any additional information concerning [redacted]

[redacted] could furnish no substantiation to this allegation but stated he had received that impression during the course of his conversation with [redacted]

By implication, [redacted] indicated, in addition to the above information that he had been told by [redacted] that Frankfurter is "subversive or anti-American" and "is attempting to overthrow the United States Government." Despite thorough questioning, [redacted] could furnish no substantiation for this allegation and could give no additional information. After numerous questions concerning this, he answered consistently "that is what I was told and know nothing further concerning it."

During the course of this interview [redacted] steadfastly refused to reveal his source of information or any further information concerning this, but kept reiterating that [redacted] was trustworthy and reliable. [redacted] stated he would recontact his friend and endeavor to persuade him either to voluntarily contact the Bureau or to permit [redacted] to reveal his name to the Bureau. It is noted that this was not solicited by the writer, but that [redacted] volunteered to take this action, no comment concerning which was made. In connection with this, [redacted] volunteered also that he would subsequently recontact the Bureau within approximately ten days for the purpose of advising whether or not he had procured any additional information concerning his allegations.

A review of the Bureau files concerning [redacted] fails to reveal any derogatory information. Numerous references, however, indicate that he has, on many previous occasions, voluntarily furnished information to both the Bureau and the Washington Field Office, which information has been primarily of a non-specific character. The references concerning [redacted] give no indication as to the identity of his alleged informant [redacted]

8-11-43

A review of the Bureau files concerning [redacted] fails to reveal any information which can be identified with the individual described by [redacted]

b6  
b7C  
b7D

The main file and approximately 175 see references concerning Frankfurter were reviewed and this file review concerning Frankfurter failed to reveal any information, clarifying, expanding or substantiating the above allegations, although it should be noted that these numerous see references include a large number of unsubstantiated allegations concerning Frankfurter's alleged Communist principles, sympathies and connections. It should also be noted that these see references indicate that Frankfurter has been associated with a large number of ultra-liberal groups, many of which have been considered as practical fronts for the Communist Party in many instances.

To date, the writer has received no return call from [redacted] which raises the possibility that he may not desire to make any effort to back up his allegations.

*done  
with  
8-17-43*

ACTION: Should you desire, the substance of the foregoing information will be made available to Mr. Rowe in the Department.

Respectfully,

*W. K. Harvey*  
W. K. Harvey*Shur**JPW*

CT:DSS

October 6, 1944

Honorable Felix Frankfurter  
Associate Justice  
Supreme Court of the United States  
Washington, D. C.

My dear Mr. Justice:

I thought you might be interested  
in the article "Combating Anti-Semitism  
in the United States," which begins on  
page 177 of the enclosed New Year's issue  
of The Jewish Forum.

With kindest personal regards,

Sincerely,

Enclosure

RECORDED  
&  
INDEXED

66  
EX-40  
62-37356-9  
FEDERAL BUREAU OF INVESTIGATION  
OCT 9 1944  
U. S. DEPT. OF JUSTICE

COMMUNICATIONS SECTION  
MAILED 9  
OCT - 8 1944 P.M.

Tolson  
E. A. Tamm  
Clegg  
Glavin  
Ladd  
Nichols  
Rosen  
Tracy  
Harbo  
Mohr  
Tele. Rm.  
Holloman  
Gandy

Supreme Court of the United States  
Washington, D.C.

CHAMBERS OF  
JUSTICE FELIX FRANKFURTER

October 16, 1944

My dear Mr. Hoover:

Of course I was interested in your article  
"Combating Anti-Semitism in the United States" and I am  
obliged to you for your kindness in sending it. It seems  
to me that Senator Borah summed up the whole business when  
he said, "The way to deal with anti-Semitism is not to yield  
to it." And that is so, as you indicate, because it offends  
everything that America represents.

You were also kind to think of sending me the mes-  
sage which Mr. Gannon brought me.

Cordially yours,

*Felix Frankfurter*

Hon. J. Edgar Hoover

*Commendation file  
100-10-25-44*

RECORDED

EX-49

162-37356-10  
F B I

OCT 20 1944

*CRIMINAL*

61 OCT 27 1944

172

Mr. Tolson ✓  
Mr. E. A. Tamm ✓  
Mr. Clegg ✓  
Mr. Coffey ✓  
Mr. Glavin ✓  
Mr. Ladd ✓  
Mr. Nichols ✓  
Mr. Rosen ✓  
Mr. Tracy ✓  
Mr. Mohr ✓  
Mr. Carson ✓  
Mr. Hendon ✓  
Mr. Mumford ✓  
Mr. Jones ✓  
Mr. Quinn Tamm ✓  
Mr. Nease ✓  
Miss Gandy ✓

ms  
1-7, 1947  
Dear Mr Hughes,

✓ Sometime about the first of November 1931 a gathering of people met at the home of Mrs. Evans, 7 Wellington Terrace, Brookline. The major topic of discussion was the arrest of David Niles. However, the "Theory" of the operations of strikes, their use and power was argued from all angles. This was the occasion upon which Mr. Niles and Mr. Frankfurter were held up as men who would one day "ran" our Government.

Among those present besides Mrs. Teel and myself were: Mr. & Mrs. Felix Frankfurter, Mr. Niles, Mr. and Mrs. John Cabot (They were living next door with the Carolans at number 5 Wellington Terrace) Mrs. Evans and her nephew, Pennington Gardner, his wife and [redacted] Mrs. Rachel Atwood served the dinner.

b6  
b7c

Can Mr. Frankfurter sit on the bench of the Supreme Court of our Country and rule, for the good of our Govnment from a background of which this gathering is indicative, in the Lewis Case?

Ruth H. Dunstan  
Ruth H. Dunstan

5-10-47  
RECORDED  
&  
INDEXED  
EX-85

G.I.R. 3  
162-37356-11  
F B I  
31 DEC 20 1946

53 JAN 10 1947



GN-3-1  
New York, New York  
April 29, 1949

Mr. Hoover:

You may have noted that recently one of the columnists carried an article stating that Associate Justice Felix Frankfurter was soon to retire from the bench due to ill health.

ASAC Whelan on the evening of April 12th made a talk to the American Drug-gists Association and met Fred S. Frankfurter, a member of that association and the brother of the Justice. Mr. Whelan has advised me that he had occasion to speak to Mr. Frankfurter in private and mentioned the article and Mr. Frankfurter advised that there was nothing to that statement. Mr. Frankfurter went on to state that as a matter of fact, the last time he was talking to his brother, the Justice referred to Drew Pearson as a SOB. Fred Frankfurter chided his brother for using such undignified and injudicious language and the Justice is reported to have replied that he could think of no other language to describe Pearson.

Edward Scheidt  
EDWARD SCHEIDT

RECORDED - 123

62-37356-12

EX-18

IF 15  
32 MAY 27 1949

58 JUN 13 1949

FROM

DO-7

## OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

Mr. Tolson ☒ ( )  
Mr. Clegg ☐ ( )  
Mr. Glavin ☐ ( )  
Mr. Ladd ☐ ( )  
Mr. Nichols ☐ ( )  
Mr. Rosen ☐ ( )  
Mr. Tracy ☐ ( )  
Mr. Gurnea ☐ ( )  
Mr. Harbo ☐ ( )  
Mr. Mohr ☐ ( )  
Mr. Nease ☐ ( )  
Miss Gandy ☐ ( )  
*W.H. Clegg* ☐ ( )  
*C. Ladd* ☐ ( )

See Me ☐ ( )  
Note and Return ☐ ( )  
For Your Recommendation ☐ ( )  
What are the facts? ☐ ( )  
Remarks:

## Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

FROM : D. M. Ladd

SUBJECT: FELIX FRANKFURTER

DATE: October 11, 1949

Mr. Tolson \_\_\_\_\_

Mr. Clegg \_\_\_\_\_

Mr. Glavin \_\_\_\_\_

Mr. Ladd \_\_\_\_\_

Mr. Nichols \_\_\_\_\_

Mr. Rosen \_\_\_\_\_

Mr. Tracy \_\_\_\_\_

Mr. Egan \_\_\_\_\_

Mr. Gurnea \_\_\_\_\_

Mr. Harbo \_\_\_\_\_

Mr. Mohr \_\_\_\_\_

Mr. Pennington \_\_\_\_\_

Mr. Quinn Tamm \_\_\_\_\_

Tele. Room \_\_\_\_\_

Mr. Nease \_\_\_\_\_

Miss Gandy \_\_\_\_\_

PURPOSE

To submit data concerning Frankfurter's activities in the 1920's.

BACKGROUND

The Boston Office recently submitted documents from the files of the late Edward Hunter, who for many years was Executive Secretary of the Industrial Defense Association, Inc. Hunter was strongly anti-Semitic and made monthly payments during 1942-45 to individuals involved in the sedition trial of Elizabeth Dilling, et al.

DETAILS

The documents are briefly analyzed and correlated with information in Bureau files in a memorandum attached hereto. The essence of the information follows:

1. The documents allege, on the basis of letterheads, circulars and publications, that Frankfurter belonged to, or endorsed, the following groups:

(a) Workers' Educational Bureau (WEBB) (Advisory Committee)

A summary memorandum prepared in New York City at your request in 1923, described officers of this group as members of the Socialist Party, Pacifists, labor leaders and officials and members of the American Civil Liberties Union.

(b) American Civil Liberties Union (ACLU)

(c) National Popular Government League (NPGL)

This group pushed the Congressional investigation of the "Palmer Raids" the way Clifford Durr's National Lawyers' Guild has sought to instigate an investigation of this Bureau.

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- (d) American Association for Labor Legislation (AALL)  
(Administrative Council - 1925)

Justice L. D. Brandeis and Samuel Gompers were reported to have been officers. Officers in 1922 were reported to be social reformers, members and former members of the American Civil Liberties Union and others "who are known to be 'liberal' in thought."

- (e) Foreign Policy Association (FPA)

The March 12, 1948, issue of the anti-Communist publication, Counterattack, alleged that several members of the Board of Directors of the FPA were "fellow travelers or appeasers." Bureau files reflect that Mrs. Vera Micheles Dean, prominent leader of the FPA, is reported to have made pro-Soviet statements.

- (f) American Committee for Relief of Russian Children (ACRRC)

The ACRRC was active in 1921-22. Numerous reported Communists and Communist sympathizers were active in promoting it.

- (g) Free Speech League (FSL)

One of the organizers of the FSL was Lincoln Steffens, the deceased pro-Soviet journalist and lecturer.

Steffens' widow, Ella Winter, has had a close association with the Communist Party and has written pro-Soviet books.

Following World War I, Winter was Frankfurter's secretary at the peace conference in Europe.

In 1941, when Winter wrote to presidential adviser, Ben Cohen, complaining of an alleged investigation, she sent a copy of her letter to Frankfurter. Winter wanted a formal statement from the Justice Department to the effect that an alleged investigator had not been working for that Department.

2. The documents also include:

- (a) A paper listing Frankfurter as a stockholder in the New Republic.

- (b) A carbon copy of a letter from Colonel Theodore Roosevelt to Frankfurter dated December 19, 1917, in which Roosevelt excoriates Frankfurter for having written a thoroughly misleading report on the Bisbee deportations. He likens Frankfurter's attitude to that of "Trotsky and the other Bolshevik leaders in Russia."
- (c) A letter written in 1927 to the Governor of Massachusetts citing an allegedly pro-Sacco and Vanzetti article by Frankfurter, in the Atlantic Monthly.

ACTION

None. This is for your information.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Dr. M. Ladd

DATE: October 11, 1949

FROM : H. B. Fletcher

SUBJECT: FELIX FRANKFURTER

|                |  |
|----------------|--|
| Mr. Tolson     |  |
| Mr. Clegg      |  |
| Mr. Glavin     |  |
| Mr. Ladd       |  |
| Mr. Nichols    |  |
| Mr. Rosen      |  |
| Mr. Tracy      |  |
| Mr. Egan       |  |
| Mr. Gurnea     |  |
| Mr. Harbo      |  |
| Mr. Mohr       |  |
| Mr. Pennington |  |
| Mr. Quinn Tamm |  |
| Tele. Room     |  |
| Mr. Nease      |  |
| Miss Holmes    |  |
| Miss Gandy     |  |

PURPOSE

To make available data received concerning Frankfurter's activities in the 1920's.

BACKGROUND

By letter dated September 8, 1949, the Boston Office made available certain documents from the files of the late Edward Hunter of Arlington, Massachusetts. Hunter was for many years executive secretary of the Industrial Defense Association, Inc. (62-37406-78)

DETAILS

Hunter, subject of Bureau file 62-37406, was strongly anti-Semitic. During 1942-45 he made between \$600 and \$700 per month available to individuals involved in the sedition trial of Elizabeth Dilling, et al. An extensive Bureau investigation did not determine the source of Hunter's funds. His personal means were limited. He had close connections with prominent Germans and pro-Nazis. He died in June, 1945. (62-37406-67, 72, 75, 77, 78)

A. Documents

The papers from Hunter's files are briefly described as follows:

1. An undated list of the organizations to which Frankfurter allegedly belonged, together with other very brief data on his activities.

This document bears the stamp: "Distributed by Industrial Defense Asso. Inc., 7 Water St., Boston." The list reflects that Frankfurter belonged to, or endorsed, the following groups:

- a. Workers Educational Bureau of America (Advisory Committee)
- b. American Civil Liberties Union (National Committee)
- c. National Popular Government League
- d. American Association for Labor Legislation (General Administrative Council - 1925)
- e. Foreign Trade Association (National Committee)

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f. American Committee for Relief of Russian Children

g. Free Speech League

(The document cites the Boston Post of February 11, 1926, as speaking of Frankfurter as if he were a member of this League. The document also states that Frankfurter was a "Member of a Citizen's Committee under whose auspices a Free Speech meeting was held.")

The document also lists Frankfurter as:

"Counsel for the Mooney Whitewashing Commission and one of the self-styled Nation Popular Government League gotten up in the interests of Louis F. Post and the Communist-anarchist crowd who are trying to overthrow our Government."

According to this document, Frankfurter was "Denounced by Roosevelt for his I.W.W. report."

A sheet accompanying the above document lists sources for the allegations of membership in the above organizations, and other cited activities. The letters a, b, c, et cetera, correspond to the organizations already listed:

a. Year Book of Workers Educational Bureau for 1924

b. Letterhead

c. Industry, April 15, 1922

d. Letterhead

e. Letterhead

f. Endorsed Circular in file

In connection with the notation "Denounced by Roosevelt for his I.W.W. report," document No. 1 has as an attachment a carbon copy of "Letter from Colonel Roosevelt to Felix Frankfurter, Counsel for President Wilson's Mediation Commission in the Mooney Case," dated December 19, 1917. In this letter Roosevelt says, in part:

"I thank you for your frank letter. I answer it at length because you have taken, and are taking, on behalf of the Administration an attitude which seems to me to be fundamentally that of Trotsky and the other Bolshevik leaders in Russia; an attitude which may be frought with mischief in this country...

"I have just received your report on the Bisbee deportation. One of the prominent leaders in that deportation was my old friend Jack Greenway, who has just been commissioned a major in the Army by President Wilson. Your report is thoroughly as misleading a document as could be written on the subject. No official writing on behalf of the President, is to be excused for failure to know, and clearly to set forth, that the I.W.W. is a criminal organization. To ignore the fact that a movement such as its members made into Bisbee is made with criminal intent is precisely as foolish as for a New York policeman to ignore the fact that when the Whyo gang assembles with guns and knives it is with criminal intent."

2. The second document, also stamped as having been distributed by the Industrial Defense Association, presents a slightly more detailed list of Frankfurter's alleged memberships. Additional organizations and activities named are:
  - a. New England Civil Liberties Union - "branch of the American Civil Liberties Union"
  - b. Stockholder in the New Republic

The document comments:

"This is listed in the Lusk Report (Note: report of the Joint Legislative Committee of the State of New York to Investigate Seditious Activities, Clayton R. Lusk, Chairman) as 'a liberal paper, published in New York City, having the endorsement of revolutionary groups.' In their issue of June 22, 1918, there was an advertisement appealing to all liberals for funds to defend the I.W.W.'s. Robert Littell, Robert Morss Lovett of the American Civil



Liberties Union, International Committee for Political Prisoners, etc. and several others are editors of the New Republic. Jane Addams, John Dewey, Leo Wolman, and several others are contributing editors — all radicals."

At the end of this document the following remark is made:

"On the whole Felix Frankfurter is well mixed up with radicals and radical organizations in the United States."

3. The third paper is an undated summary memorandum on the Workers' Education Bureau of America (WEBA). It lists Frankfurter as a member of the Advisory Committee. Certain material contained therein is cited as coming from the American Labor Year Book for 1924 and 1925.

The memorandum states that the WEBA was organized in New York City in April, 1921, and was closely affiliated with the American Federation of Labor through an Educational Committee of the A.F. of L. The memorandum closes as follows:

"SUMMARY Practically every officer and member of the Advisory and Executive Committees of the Workers Education Bureau of America including its President, James H. Maurer, is a Socialist or a Communist. They are doing their best to spread their propaganda by means of this organization, whose roots are reaching out and taking a firm hold in every particle of fertile 'soil' throughout the Country."

4. This document is a carbon copy of a letter dated May 7, 1927, to the Honorable Alvin T. Fuller, Governor of Massachusetts, from Francis Ralston Welsh. (Bureau file 61-105 reflects that Welsh, writing from his "Investment Bonds" office in Philadelphia, submitted reports regularly during 1921-1934 to the "Bureau of Investigation," later, the FBI. Following his death in 1938, FBI inquiry was made to locate his files. It was determined that they had been turned over to Elizabeth Dilling, author of The Red Network, previously mentioned as a defendant in a sedition trial in Washington, D. C. in 1944)

(61-105-433, 437)

In this document Welsh urges the Governor to disregard all clamor about Sacco and Vanzetti, who had been tried and convicted. He asserts that a great deal of propaganda is being circulated in behalf of the defendants, "...condemning the decision or asking for clemency or asking for a review of the Court decision in one way or another through commissions or otherwise." He states that only one side of the case is being put forth,

"...namely, the misleading propaganda of the Communists which is deliberately mendacious, such, for instance, as Felix Frankfurter's article in the Atlantic Monthly so ably demolished by Dean John H. Wigmore."

"I do think it would be well if some authoritative public statement, that would be quoted by the papers in general, could be made that would brand the Frankfurter article for the miserable mendacity that it is. In the Bisbee matter Roosevelt branded Frankfurter as a liar but that was not generally quoted in the papers though I had the Roosevelt letter printed and sent it to every member of Congress and circulated thousands of copies of it."

#### B. Review of Bureau Files

Of the organizations mentioned above as those to which Frankfurter belonged, or which he allegedly endorsed, data concerning the following may be of interest.

#### Workers Educational Bureau of America (WEBA)

As previously noted, information concerning the WEBA is set forth in document No. 3 above.

A summary memorandum prepared in New York City at the Director's request on April 21, 1923, identified officers of the WEBA as members of the Socialist Party, Pacifists (during World War I), labor leaders and officials and members of the American Civil Liberties Union. (61-3648-6)

#### National Popular Government League

According to information contained in the November 3, 1935, issue of the Register, Sandusky, Ohio, Mrs. Elizabeth Dilling in her book The Red Network has this to say about the organization on page 200: It is a

"publication bureau for the various organizations represented in its directorship, namely: American Civil Liberties Union, Socialist Party, League of Independent Democracy, Public Ownership League, Peoples Legislative Service, and the Conference for Progressive Political Action." This source states that Judson King is its active director, and that the group started in 1919 consistently advocating government ownership of the key industries of the nation "in true socialist style." According to Mrs. Dilling, as reported in the Sandusky Register of the above date, the "National Popular Government League" made a report dated May 27, 1920, entitled "Report Upon the Illegal Practices of the U. S. Department of Justice" which was prepared by King and signed by Felix Frankfurter and others. Reportedly this bitterly criticized certain action taken by the Department of Justice in connection with persons suspected of communistic and anarchist activities. (62-38744-1)

In the testimony of Walter S. Steele before the Dies Committee August 16, 1938, it is alleged that various officers and members of the American Civil Liberties Union are connected with other "radical" groups among which the "National Popular Government League" was named. (Dies Committee Report Volume No. 1, p. 532)

It was reported in 1921 by Francis Ralston Welsh, that the chief organizers of this group were Frank P. Walsh, described as a "friend of the anarchist Alexander Berkman and aider and abettor of the anarchist, murderer and traitor Thomas J. Mooney"; Victor Berger; Jackson H. Ralston, described as being "counsel for the red criminal element in the A.F. of L."; and Felix Frankfurter. According to this source the chief business of the league seemed to be to raise funds "to nullify the laws of Congress by cancelling warrants of anarchists and Communists" and favoring radicals. (100-26930-1)

#### American Association for Labor Legislation (AALL)

This organization adopted its constitution in 1906. The amended (1910) constitution reflects that the AALL was considered as the American branch of the International Association for Labor Legislation to promote equality of labor legislation in the United States and to encourage the study of labor conditions with a view to promoting desirable labor legislation.

In a report made by a Bureau of Investigation (United States Department of Justice) Agent in 1923, it was stated that Supreme Court Justice, Louis D. Brandeis, and Samuel Gompers (then President of the A.F. of L.), were former Vice Presidents of the AALL. Officers of the AALL in 1922 included social reformers, members and former members of the American Civil Liberties Union, and others "who are known to be 'liberal' in thought." (62-3980-3)

### Foreign Policy Association (FPA)

This organization was founded in 1918. Its first constitution declared the following purpose: "Careful study of all sides of every important international question affecting the United States, and... communication of the results of such study to as large a number of the American people as possible." In 1922, the Association allegedly decided to concentrate on objective research and the dissemination of information to members of the Association as well as to newspaper editors, political and economic leaders, universities and schools, et cetera. (Pamphlet of the Association, Twenty-Five Years of the Foreign Policy Association, 1918-1943.)

On November 25, 1930, Francis Ralston Welsh testified before the Special Committee to Investigate Un-American Activities and in connection with the National Save Our Schools Committee he mentioned the FPA, "... which has spies address its audiences and tell them how pleasant things in Russia are..." (62-23170-159, p. 149; 61-7802-31,p.3)

On August 16, 1938, Mr. Walter S. Steele testified before the Special Committee on Un-American Activities and stated that the American Student Union had set up the United Student Peace Committee in 1938 through which it had a wider range in organizing strikes in American schools. Mr. Steele then stated: "Through it they claim to have influenced seventeen national youth movements to become affiliated with it. These include.... Foreign Policy Association."

The American Student Union was cited as a Communist front by the Special Committee on Un-American Activities. (61-7582-1380, p. 172)

The New York Times of July 4, 1939, in referring to the activities of the American Youth Congress, stated that at a general meeting a resolution condemning Communism, together with Nazism and Fascism, had been voted down. The resolution was sponsored, according to the article, by a group of seven delegates, including delegates of the FPA. (61-7567-114X; 61-7802-31,p.3)

The March 12, 1948, issue of Counterattack, an anti-Communist publication, devoted considerable space to the FPA. It was stated that several members of the Board of Directors were "fellow travellers or appeasers" and that some of them had been put on the Board through the help of Mrs. Vera Micheles Dean, Editor of the FPA's Foreign Policy Bulletin. The article also stated that the organization had enormous influence as shown by the fact that Presidents of the United States and Secretaries of State had made speeches under its auspices, and that it had a semi-official standing with the State Department and other governmental agencies. This article alleged that Mrs. Dean had been using the FPA to vindicate, in the eyes of the American public, everything that the Soviet Union had done. (100-350512-121; 61-7802-31)

Vera Micheles Dean was born in Russia in 1903. She has been active with the FPA since 1928, in which year she became an American citizen. Bureau files reflect that Mrs. Dean is reported to have made pro-Soviet statements. According to the House Committee on Un-American Activities (the "HCUA"), in its 1944 report, Mrs. Dean was one of several individuals who sent greetings to the Soviet Union on the XX Anniversary of the founding of the USSR. (61-7802-24, encl.; Current Biography, 1943; 61-7583-1298, p. 771)

The greetings referred to above were contained in the Golden Book of American Friendship, presented to the President of the Soviet Union in 1937. One page of this book was republished in the November, 1937, issue of Soviet Russia Today. Dean's name appeared on this page. (Soviet Russia Today, November, 1937, p. 79)

A pamphlet prepared in February of 1942 for the U. S. Army by Mrs. Dean, entitled, Russia at War, praised Russia unstintingly, and compared its ideals with those of Christianity. A reliable source has advised that the United States Army refused to circulate this publication among the troops and described it as a type of candy-coated Communist propaganda pill. (40-27755-6, Report of MID, War Department.)

#### American Committee for Relief of Russian Children (ACRRC)

The ACRRC was active in 1921-1922. Numerous reported Communists and Communist sympathizers were active in promoting it. (61-758-13)

The ACRRC was originally known as the American Committee for the Relief of Children in Soviet Russia, becoming the ACRRC in December, 1921. During 1922, it was known to have distributed relief through the Russian Red Cross. (61-758-31)

It was the policy of the ACRRC to criticize Herbert Hoover's administration of relief work in Russia and it was reported to have used meetings ostensibly called for relief purposes to propagandize in praise of the Soviet regime. (61-758-33, Report of Bureau of Investigation Agent H. W. Hess, 1922)

On June 5, 1922, W. J. Burns, Director, Bureau of Investigation, advised the Governor of Maine concerning the ACRRC:

"Reports received from various sections of the country would indicate that this organization has been used as a cover for holding Communist meetings, and representatives of the organization, including Captain Paxton Hibben, its Secretary, have on several occasions criticized the work of the American Relief Administration, headed by Secretary Hoover." (61-758-36)

### Free Speech League

The articles of incorporation stated the alleged purpose of the Free Speech League as follows:

"The principal objects for which said corporation is formed are as follows, viz.: By all lawful means to promote such judicial construction of the Constitution of the United States, and of the several states, and of the statutes passed in conformity therewith, as will secure to every person the greatest liberty consistent with the equal liberty of all others, and especially to preclude the punishment of any mere psychological offense; and, to that end, by all lawful means to oppose every form of governmental censorship over any method for the expression, communication, or transmission of ideas, whether by use of previous inhibition or subsequent punishment; and to promote such legislative enactments and constitutional amendments, state and national, as will secure these ends." (61-7559-2-2345)  
(Statement on inside of cover of pamphlet, Reasonable Restrictions Upon Freedom of Speech, published by the Free Speech League, 1915)

This organization was incorporated at Albany, New York, on April 7, 1911. One of the incorporators was Lincoln Steffens, the prominent pro-Soviet journalist and lecturer. (61-7559-2-2345) (Critics and Crusaders by Charles A. Madison, pgs. 395-418)

Steffens' widow, Ella Winter, is a well-known pro-Soviet writer. She is the subject of a Security Index card and was formerly listed as a key figure. According to an advertisement in her book, The Red Virtue, she was "Secretary to Professor Felix Frankfurter of Harvard Law School at the Peace Conference..." following World War I. (100-18610-56, p. 136)

[redacted] confidential b7D  
informant of the Albany Office, stated that Felix Frankfurter is apparently a very good friend of Ella Winter and that she has mentioned him quite often in that regard. (100-18610-134X, p. 5)

Correspondence of Ella Winter, examined by Agents of the Albany Office in 1944, revealed a letter dated August 30, 1941, from Winter to Ben Cohen, Presidential Adviser. She indicates in this letter that she was to call on Cohen for assistance in obtaining an appointment with Attorney General Biddle in regard to an alleged attempt to "frame" her and her former husband. A "waterfront spy" had allegedly investigated them on the basis of a theory that Steffens had served as a go-between in the transmittal of Russian funds to Harry Bridges. She wanted an official statement from the Justice Department to the effect that the "spy" had not been working for that Department. She sent Justice Frankfurter, Supreme Court, Washington, D. C., a copy of the letter:

"...I want you to know these facts. I think it is important that the highest law body of this country have awareness of the activities going on in the country." (100-18610-50)

The correspondence of Ella Winter further reflected that:

On August 23, 1948, William Schneiderman, prominent West Coast Communist, addressed a letter to "Dear Comrade Winter." It clearly indicated close association and confidence, and invited her to contact Schneiderman or Comrade Browder in Los Angeles "if there is anything you want to get in touch with us about."

Both Ella Winter and her husband, Donald Stewart, were associates and confidants of Harry Bridges; that they took an active interest in the Bridges deportation case as well as the California strike in 1934.

Ella Winter and Sam Darcy, a former Communist Party leader in California and Pennsylvania, were influential in swinging Bridges to support the 1941 Communist line of an all-out-aid to the war effort. (Ella Winter, in her correspondence, attacked the activity of the FBI in the Bridges case.)

Winter corresponded extensively with Sam Darcy on Communist Party matters.

Sam Darcy, while in Russia in 1937, wrote that Winter was to be invited to Russia for a celebration of the XXth Anniversary of the Russian Revolution.

Winter and her husband contributed financially and otherwise to Sam Darcy in his perjury trial in California in 1941.

From 1937 to 1940 Winter corresponded with Robert G. Davis, Professor, Harvard University, who was an active Communist and who lectured at the Workers' School in 1937.

Winter bought Russian bonds for the first and second five-year plans. (100-18610-134X, p. 4)

When Ella Winter returned to New York City from Europe on September 8, 1947, a Customs search of her baggage, witnessed by FBI Agents, reflected a letter dated January 21 to "Ella Darling" signed with the letter "M". It contained the following sentence: "I tried to tell you about the cyclotron here when I just came over a year and a half before the bomb and you thought I was making something up. Well, you want things to be pinned down all along the line and I like that, but the price of it is simple - it is that every

so often all the...(? answers) will seem to disappear, isn't it? Oh, we have to talk. I'm getting to work at some of this again and I need to talk to you. Right at this point is where I want my poems." (100-18610-161)

As a delegate, Winter attended the World Congress of Intellectuals in Poland in 1948. She also attended a conference of the Womens' International Democratic Federation in Hungary in December, 1948. According to information received from Confidential Informant NYT-221, in October, 1948, Winter was scheduled to be a member of a delegation of the Joint Anti-Fascist Refugee Committee to the UN session in Paris in December, 1948. This delegation was to protest against Franco. (100-18610-180; New York Herald Tribune, 12-2-48; New York Times, 9-3-48).

ACTION

None. This is for your information.



# Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

FROM : SAC, Los Angeles

SUBJECT: <sup>(P)</sup> FELIX FRANKFURTER  
INFORMATION CONCERNING

DATE: March 23, 1950

|             |   |
|-------------|---|
| Mr. Tolson  | ✓ |
| Mr. Clegg   | ✓ |
| Mr. Glavin  | ✓ |
| Mr. Nichols | ✓ |
| Mr. Rosen   | ✓ |
| Mr. Tracy   | ✓ |
| Mr. Harbo   | ✓ |
| Miss Gandy  | ✓ |

For the information and as of interest to the Bureau, I am enclosing copies of a communication dated December 19, 1917 to Mr. FELIX FRANKFURTER former President THEODORE ROOSEVELT. FRANKFURTER was reportedly the counsel to President THEODORE ROOSEVELT's Mediation Commission in Washington, D. C.

A copy of this letter was turned over to me by CECIL B. DeMILLE, motion picture producer. When this letter came to his attention he had a representative examine the papers of THEODORE ROOSEVELT in the Library of Congress, and there was located in those files a carbon copy of the letter in question.

It is felt that this will be of considerable interest to the Bureau at this time.

2. ENCL

RBH:MES

EX-136

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EX-136

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December 19, 1917

My dear Mr. Frankfurter:

I thank you for your frank letter. I answer it in length because you have taken, and are taking, on behalf of the Administration an attitude which seems to be to be fundamentally that of Trotzky and the other Bolsheviki leaders in Russia; an attitude which may be fraught with mischief to this country.

As for the conduct of the trial, it seems to me that Judge Dunne's statement which I quoted in my published letter, covers it. I have not been able to find anyone who seriously questions Judge Dunne's character, judicial fitness and ability, or standing. Moreover, it seems to me that your own letter makes it perfectly plain that the movement for the recall of Fickert was due primarily not in the least to any real or general feeling as to alleged shortcomings on his part, but to what I can only call the Bolsheviki sentiment. The other accusations against him were mere camouflage. The assault was made upon him because he had attacked the murderous element, the dynamite and anarchy group, of labor agitators. The movement against him was essentially similar to the movements on behalf of the McNamaras, and on behalf of Moyer and Hayward. Some of the correspondents who attacked me frankly stated that they were for Mooney and Billings just as they had been for the McNamaras and for Moyer and Hayward. In view of Judge Dunne's statement it is perfectly clear that even if Judge Dunne is in error in his belief as to the trial being straight and proper, it was an error into which

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entirely honest men could fall.

But the question of granting a re-trial is one thing. The question of the recall is entirely distinct. Even if a re-trial were proper, this would not in the least justify a recall - any more than a single grave error on your part would justify your impeachment, or the impeachment of President Wilson for appointing you. Fremont Older and the I.W.W. and the "direct action" anarchists and apologists for anarchy are never concerned for justice. They are concerned solely in seeing one kind of criminal escape justice, precisely as certain big business men and certain corporation lawyers have in the past been concerned in seeing another kind of criminal escape justice. The guiding spirits in the movement for the recall of Fickert cared not a rap whether or not Mooney and Billings were guilty; probably they believed them guilty; all they were concerned with was seeing a rebuke administered to, and an evil lesson taught, all public officials who might take action against crimes of violence committed by anarchists in the name of some foul and violent "protest against social conditions". Murder is murder; and it is rather more evil, and not less evil, when committed in the name of a professed social movement. It was no mere accident, it was the natural sequence of cause and effect that the agitation for the recall of Fickert, because he had fearlessly prosecuted the dynamiters (and of course no human being doubts that Billings and Mooney were in some shape or other privy to the outrage) should have been accompanied by the dynamite outrage at the Governor's mansion. The reactionaries have in the past been a great menace to this republic;

but at this moment it is the I.W.W., the Germanized Socialists, the Anarchists, the foolish creatures who always protest against the suppression of crime, the pacifists and the like, under the lead of the Hearsts and La Follettes, and Bergers and Hillquits, the Fremont Olders and Amos Pinchots and Rudolph Spreckels who are the really grave danger. These are the Bolsheviki of America; and the Bolsheviki are just as bad as the Romanoffs, and are at the moment a greater menace to orderly freedom. Robespierre and Denton and Marat and Hebert were just as evil as the worst tyrants of the old regime, and from 1791 to 1794 they were the most dangerous enemies to liberty that the world contained. When you, as representing President Wilson, find yourself obliged to champion men of this stamp you ought by unequivocal affirmative action to make it evident that you are sternly against their general and habitual line of conduct.

I have just received your report on the Bisbee Deportation. One of the prominent leaders in that deportation was my old friend Jack Greenway who has just been commissioned a Major in the army by President Wilson. Your report is as thoroughly misleading a document as could be written on the subject. No official, writing on behalf of the President, is to be excused for failure to know, and clearly to set forth, that the I.W.W. is a criminal organization. To ignore the fact that a movement such as its members made into Bisbee is made with criminal intent is precisely as foolish as for a New York policeman to ignore the fact that when the Whyo gang assembles with guns and knives it is with criminal intent.

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The President is not to be excused if he ignores this fact, for of course he knows all about it. No human being in his senses doubts that the men deported from Bisbee were bent on destruction and murder. If the President through you or anyone else had any right to look into the matter, this very fact shows that he had been remiss in his clear duty to provide against the very grave danger in advance. When no efficient means are employed to guard honest, upright and well-behaved citizens from the most brutal kind of lawlessness, it is inevitable that these citizens shall try to protect themselves; this is as true when the President fails to do his duty about the I.W.W. as when the police fail to do their duty about gangs like the Whyo gang; and when either the President or the Police, personally or by representative, rebuke the men who defend themselves from criminal assault, it is necessary sharply to point out that far heavier blame attaches to the authorities who fail to give the needed protection, and to the investigators who fail to point out the criminal character of the anarchistic organization against which the decent citizens have taken action. Here again you are engaged in excusing men precisely like the Bolsheviks in Russia, who are murderers and encouragers of murder, who are traitors to their allies, to democracy, and to civilization, as well as to the United States, and whose acts are nevertheless apologized for on grounds, my dear Mr. Frankfurter, substantially like those which you allege. In times of danger nothing is more common, and nothing more dangerous to the Republic, than for men - often ordinarily well-meaning men - to avoid condemning the criminals who are really public

enemies by making their entire assault on the shortcomings of the good citizens who have been the victims or opponents of the criminals. This was done not only by the Danton and Robespierre but by many of their ordinarily honest associates in connection with, for instance, the "September massacres". It is not the kind of thing I care to see well meaning men do in this country.

Sincerely yours,

Mr. Felix Frankfurter,  
Counsel to President's Mediation Commission,  
Washington, D. C.

MR. TOLSON

October 6, 1951

L. B. NICHOLS

*July 22, 1951*

I am attaching hereto a copy of a very unusual letter signed by LeRoy A. Phillips. It was written on plain paper, addressed to Senator Pat McCarran but was mailed in an envelope postmarked October 1, 12:30 p.m. at New York in an Astor Hotel envelope. The original letter was returned to Jay Sourwine who furnished it to me.

The letter points out there is a conspiracy to go after Senator McCarran, indicating that Justice Frankfurter is back of it, etc. The letter is quite amazing.

I had the New York Office make a discreet check at the Astor Hotel. They had no record of a LeRoy A. Phillips and the only Phillips who has been a guest at the hotel in the past six months was [redacted]. Obviously, this could not be the person as the initials are different.

I do not think we are justified in making any open investigation. In fact, Sourwine did not ask that this be done.

cc - Mr. Ladd  
Mr. Belmont

LBN:mb  
Attachment

*62-372*  
NOT RECORDED  
55 OCT 17 1951

ENCL 1

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b7C

COPIED IN 94-4

*4312*

*206137133*

C  
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P  
Y

Dear Senator:

I wish I could come right out and tell the public what I know about a conspiracy to discredit you and invalidate the great work you are doing. I set in a room next door with my ear at the key hole and heard conversations that involve militant leaders of the World Zionist Movement. Chief among those present I recognized as they came out was Rabbi Abba Silver of Cleveland who remarked several times that Senator Lehman had the "guts" to get Pat McCarran\*. There will be little difficulty in getting what money is needed and whatever is needed to smear and defeat Senator McCarthy will be furnished by just two men in N.Y.: Justice Frankfurter has the program in hand which has the support of Acheson\* who has ordered the entire underground of writers to put the heart on and get you - McCarthy and others on the list kicked out of the Senate. Without their help President Truman would not have been elected. With their influence in A.F.C. and F.H.A. where their sympathisers and friends are infested. Nothing is impossible. Don't worry about investigations and especially McCarran's deceit about his Christian character. Public relations will at the proper time reveal him as a fraud. I recognized Drew Pearson as he left the room.

Respectfully

(signed) LeRoy A. Phillips

NOTE: Words underlined were underlined in letter by writer

Words marked with an asterisk were misspelled by writer.

Senator McCarran noted on letter "This is something".

62-37356-✓

ENCLOSURE



SAC, Washington Field

June 16, 1950

Director, FBI

PERSONAL ATTENTION

DEAN ACHESON;  
FELIX FRANKFURTER  
INFORMATION CONCERNING

Re Philadelphia let to the Bureau, copy to your office, dated June 6, 1950, entitled "Robert Cameron, Security Matter - C."

You are instructed to take immediate steps to locate Robert Cameron and to interview him concerning the statements attributed to him by John F. Vollmer. Any other information in Cameron's possession which would be of interest to the Bureau should also be obtained.

In order that you may possess complete background data concerning Cameron, you are being furnished herewith one copy each of the following reports prepared in connection with an Office for Emergency Management investigation conducted by the Bureau concerning Robert Cameron (WFO File 77-13020).

Report of SA J. R. Craig, dated August 17, 1942, at  
New York, New York

Report of SA B. F. Sullivan, dated August 26, 1942, at  
Philadelphia, Pennsylvania

Report of SA T. A. Bronstad, dated August 30, 1942, at  
Albany, New York

This interview, of course, must be conducted in a most discreet manner.

Enclosures

cc: Philadelphia

94-40672

EBR:CMC

cc: 62-37356  
77-25391

Tolson \_\_\_\_\_  
Ladd \_\_\_\_\_  
Clegg \_\_\_\_\_  
Glavin \_\_\_\_\_  
Nichols \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tracy \_\_\_\_\_  
Harbo \_\_\_\_\_  
Mohr \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Nease \_\_\_\_\_  
Gandy \_\_\_\_\_

94-40672-8  
ORIGINAL FILED IN 77-13020

OFFICE MEMORANDUM - UNITED STATES GOVERNMENT

TO : Director, FBI  
FROM : SAC, Philadelphia  
SUBJECT: ROBERT CAMERON  
SECURITY MATTER - C

DATE: 6/6/50

Mr. JOHN FREDERICK VOLLMER, Manager of Stouffer's Restaurant, 1526 Chestnut Street, Philadelphia, was interviewed concerning another matter and volunteered the following information.

He stated "This country is shot through with Communists" and that an accountant friend of his, a ROBERT CAMERON, who was formerly in the State Department, had told him that DEAN ACHESON and Justice FRANKFURTER were the #1 and #2 Communists in the United States, and further, that he, CAMERON, could prove it. Mr. VOLLMER stated that he had given the above information to Congressman SAMUEL K. McCONNELL, JR., a Republican from Pennsylvania. Mr. VOLLMER stated that he was thoroughly disgusted and that nothing has happened concerning the information given the Congressman.

The complainant advised that he had no idea as to CAMERON's present position, but believed him to be residing in Washington, D. C. He stated that he was willing to have his name used if CAMERON were interviewed and to quote him as saying that CAMERON had said he could prove ACHESON and FRANKFURTER were Communists.

A check of the Philadelphia indices revealed that an investigation had been made concerning a ROBERT CAMERON predicated on a Bureau letter to Philadelphia dated 7/30/42 under Bufile #77-26391. The applicant in this case is believed to be identical with the above-captioned subject.

This information is being set forth in the event it is deemed desirable to locate and interview ROBERT CAMERON.

mlm/rao  
100-0

cc: Washington Field

77-26391-8  
ORIGINAL FILED IN

100-27356-  
NOT RECORDED  
79

A. H. Belmont

June 15, 1950

F. J. Baumgardner

DEAN ACHESON;  
FELIX FRANKFURTER  
INFORMATION CONCERNING

PURPOSE

To obtain authorization to interview Robert Cameron relative to statements attributed to him concerning Secretary of State Dean Acheson and Supreme Court Justice Felix Frankfurter.

DETAILS

John F. Vollmer, Manager of Stouffer's Restaurant, 1526 Chestnut, Philadelphia, Pennsylvania, recently advised an agent of the Philadelphia Office that Robert Cameron, a former employee of the Department of State, had told him that Dean Acheson and Felix Frankfurter were the number one and number two Communists in the United States, and that he, Cameron, could prove it. Vollmer indicated that he had previously furnished this information to Congressman Samuel K. McConnell, Jr., Republican, Pennsylvania. Vollmer further advised that he was willing to have his name used in the event the Bureau desires to interview Cameron.

The Bureau's files reflect that in 1942 an investigation was conducted concerning Robert Cameron as an employee of the Office for Emergency Management. From a review of the file it would appear that this Robert Cameron is identical with the individual mentioned by Vollmer. All of the persons interviewed during the investigation vouched for Cameron's loyalty, intelligence and ability. Several persons, however, indicated that Cameron was overly suspicious and continually distrustful of his fellow employees.

ACTION

In spite of the reports that Cameron is overly suspicious and distrustful of his fellow employees, it is recommended that he be located and interviewed concerning the statements attributed to him by Vollmer. If you approve, there is attached hereto a letter to the Washington Field Office requesting that Cameron be located and interviewed.

Tolson Attachment

Ladd \_\_\_\_\_  
Clegg EER:CMC  
Glavin 94-40672  
Nichols \_\_\_\_\_

Rosen \_\_\_\_\_  
Tracy cc: 62-37356

Harbo \_\_\_\_\_  
Mohr \_\_\_\_\_  
Tele. Room One 75  
Nease \_\_\_\_\_  
Gandy \_\_\_\_\_

162-37356-✓  
NOT RECORDED  
83 SEP 21 1950

INVESTIGATION SALES

August 6, 1952

Mrs. Hazel ~~L.~~ Patten  
Eight Negus Street  
Webster, Massachusetts

RECORDED - 59  
INDEXED - 59

H.L.  
Dear Mrs. Patten:

Your letter dated July 30, 1952, together with enclosure, has been received.

I am unable to comply with your request for information inasmuch as it does not pertain to a matter coming within the scope of this Bureau's investigative jurisdiction.

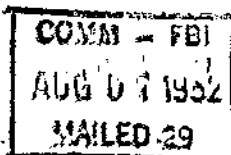
Sincerely yours,

John Edgar Hoover  
Director

NOTE: Correspondent sets forth lengthy dissertation on her efforts to verify whether Justice Felix Frankfurter "holds authentic naturalization papers." She enclosed carbon copy of a letter she had received from the office of Senator Kefauver which consisted of information re Frankfurter's father's naturalization obtained from the Library of Congress. Correspondent is not identifiable in Bufiles.

HPL:lmz

Tolson \_\_\_\_\_  
Ladd \_\_\_\_\_  
Nichols \_\_\_\_\_  
Belmont \_\_\_\_\_  
Clegg \_\_\_\_\_  
Glavin \_\_\_\_\_  
Harbo \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tracy \_\_\_\_\_  
Laughlin \_\_\_\_\_  
Mohr \_\_\_\_\_  
Tele. Rm. \_\_\_\_\_  
Holloman \_\_\_\_\_  
Nease \_\_\_\_\_



66 SEP 2 1952

4 57 PM '52  
FEB 2 1953  
FBI

8 Negus Street,  
Webster, Massachusetts  
July 30, 1952

NC

J. Edgar Hoover,  
Federal Bureau of Investigation,  
Washington, D.C.

*Mr. Clegg  
in J. Edgar  
per Reginald  
8-1-52*

7  
Dear Sir:

Because the United States Supreme Court has been in the spotlight of late, I had a notion to visit our public library to read the biographies of the Justices in this Branch of our Government.

In reading the biography of Justice Felix Frankfurter, Encyclopedia Americana, I was amazed to find no mention of his United States Citizenship which I know would have to be a qualification for the position he holds. Through the help given by our Librarian, we searched through Current Biography 1941 and found a graphic description of his life but no mention made of his naturalization or his father's naturalization which would be his derived credentials to citizenship.

Then I wrote to the Boston Library and the chief Librarian replied that after searching through five quoted sources of information most likely to contain some information on the subject, there was none to be had. I have since inquired from "Information Please" and many other sources including the following:

Knowing that Justice Frankfurter was educated in Harvard and was a Professor on the faculty of Harvard College, I was sure I could obtain this information from there; and that records would verify his citizenship. My letter was referred to the Librarian of Archives who said that it was the procedure to ask the student whether or not he was a citizen and if he said "yes" the subject was no further pursued. Again I wrote asking whether or not, he said "yes" and he replied that he checked with Harvard Law School and found that at the time Justice Frankfurter entered Harvard College 1903, citizenship information was not required.

Then I wrote the Library of Congress addressing my letter to whom it may concern, and the reply from the Law Library, to which my letter was referred and written by Lawrence Keitt, Law Librarian, says that the Law Library does not have the information I seek.

I have written to Senator Lodge and Senator Kefauver and others in an attempt to find this information and to date it is not available. Senator Kefauver wrote me enclosing a copy of a letter from W. C. Gilbert Acting Director of the Library of Congress in which he endeavors to give what information he can, evidently drawn from the hearings in 1939. He informs the Senator that it may be possible to obtain a copy of the hearings if they are not depleted, and suggests the Government Printing Office in Washington. I would like very much to have a copy as it may answer to my satisfaction what I want to know and so I have written for a copy.

If Mr. Gilbert gave Senator Kefauver for my benefit, the information that had the most bearing on the situation, it is shameful indeed that things could not have been done in a bit more thorough manner. I am enclosing a copy of that letter.

RECORDED - 59  
INDEXED - 59  
AUG 18 1952

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ack 8-1-52  
11/18/52*

*11/18/52*

-2-

that you may regard it as it is written. I would say that if and whatever Justice Frankfurter had at the time of the hearings in 1939, it was most illusive never in the right place at the right time. I argue that if he is duly naturalized and if he derives naturalization from his father, his father being fully naturalized according to the law of our land and recorded as such in substantiation of this fact, why has it to be such a secret when it is the right of every American Citizen to know this in fact and in fact it is the duty of every real American Citizen to know it.

I should not have to go further than my own public Library to find this information and yet I have written the length and breadth of the land and still do not know. According to Mr. Gilbert of the Library of Congress, he is supposed to have a certification that his father was naturalized in 1898. Now his biography says that his father came to our country in 1894 and if this is correct, only four years elapsed between his coming and obtaining citizenship and this being true, it is marvelous and shows great love of country and he should be esteemed for this and be an inspiration to all immigrants who enter here, rather than have such a good deed hidden away and kept from sight and his papers would have been of great value to himself and his family.

I certainly hope to see in the hearings of 1939 that some Senators were on the job and verified to their own complete satisfaction that he is legitimately entitled to hold the office he holds. We are all subject to trial by jury and that jury must be a jury of our peers, then every last man of them must be our peer. One of his qualifications must be citizenship.

When I worked at the Watertown Arsenal years ago during the first World War, I had to have my birth certificate and picture and it was positively verified that I was a citizen. Where does the distinction lie in Government service. By his biography, his attitude and viewpoint does not justify his peaceful position, yet this alone may not be condemning if his credentials are in order.

I trust I may have your interest in this matter that you may write me, that Justice Felix Frankfurter holds authentic naturalization papers of his father and that you vouch for this fact, not as far as you know, but that you do know, because I am a most exacting person and if the law calls for his citizenship as I am sure it must, he is called to obedience of that law in a life position in which decisions are handed down that effect the whole life of our country not only for the present but for ages to come.

Sincerely,

*Hazel L. Pattee*  
(Mrs. Charles Pattee)

Enc. Copy of the carbon copy sent to Senator Kefauver and forwarded to me.

*A letter printed attachment from  
P.S. The Government Printing Office just received  
The publications on that subject have  
been exhausted. Mrs. Pattee*

The following letter is copied from a Carbon copy sent to me by Senator Estes Kefauver. The print is typed on tissue bears no heading and is not signed except by type *(Mrs) Hazel Pattee*

C O P Y

Honorable Estes Kefauver  
United States Senate  
Washington, D.C.

Dear Senator Kefauver:

In response to your request for a report on the inquiry in the letter addressed to you by Hazel L. (Mrs Charles) Pattee, 8 Negus Street, Webster, Massachusetts, dated June 14, 1952, we submit the following.

Mrs. Pattee expresses interest in the method by which Justice Felix Frankfurter attained United States citizenship and refers to information received from the Boston City Library. This information explained the possibility of his naturalization by virtue of the Naturalization Act of 1802, 2 Stat. 155, R.S. 2172, but stated that no mention of his father's naturalization was found. Mrs. Pattee requests information that will confirm the fact as to the naturalization of Justice Frankfurter's father.

Hearings on the nomination of Felix Frankfurter to be an Associate Justice of the Supreme Court of the United States were held before a subcommittee on the Judiciary, United States Senate, Seventy-Sixth Congress, 1st Session, January 11 and 12, 1939. In the record of these proceedings at pages 124 and 125, Justice Frankfurter stated in substance that he had a certified copy of his father's naturalization papers which he had used from time to time to satisfy officials of Cambridge, Massachusetts, and of the United States, as to the date of his father's naturalization.

Discussion between Senator McCarran and Justice Frankfurter developed that the certificate was in the possession of the subcommittee, and that the admission to citizenship of Leopold Frankfurter (Justice Frankfurter's father) by the certifying court in New York, was certified by that court as occurring in June 1898. The record of the hearings referred to above is available through the United States Government Printing Office, Washington, D.C., if the supply of copies authorized for printing has not been exhausted.

The letter addressed to you by Mrs. Pattee is returned herewith.

Sincerely yours,

W.O. Gilbert  
Acting Director

Enclosure  
LCG/km

62-37356-16

Enclosure

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. D. M. Ladd  
 FROM : A. H. Belmont  
 SUBJECT: JUSTICE FELIX FRANKFURTER

DATE: August 29, 1952

PURPOSE:

To advise you that the Immigration and Naturalization Service (INS) has been contacted and advised where information concerning Justice Frankfurter's and his father's naturalization status might be located. In my memorandum of August 19, 1952, which is attached, it was pointed out that INS, in 1948, could not locate the file concerning the naturalization of Justice Frankfurter's father, and that apparently INS was unable to locate the file at the present time. Concerning this, the Director penned the notation "See if file has by now finally turned up. H."

BACKGROUND:

You will recall that by my memorandum to you dated August 8, 1952, it was pointed out that Mr. A. C. Devaney, Assistant Commissioner of INS in Charge of Inspections and Examinations, asked us for any information in our files concerning the citizenship of Justice Felix Frankfurter. Mr. Devaney advised that he had received numerous letters questioning the citizenship of Justice Frankfurter and that his Service had been unable to locate any file reflecting his citizenship status. He added that he had checked with the Department of Justice but nothing relating to the matter involved was located.

In my memorandum to you dated August 19, 1952, you were furnished with information contained in the Bureau's files concerning the citizenship status of Justice Felix Frankfurter. It was suggested that INS be referred to these sources of information and also be advised that this Bureau had not conducted any investigation concerning Justice Felix Frankfurter.

Mr. A. C. Devaney was so advised by Supervisor B. J. Connell on August 28, 1952. As pointed out above, the Director indicated he desired to know if the file on

Attachment

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62-37356-17  
SEP. 8 1952

EX-73

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170 OCT 1 1964

62 SEP 22 1952

✓  
 Tolson \_\_\_\_\_  
 Ladd \_\_\_\_\_  
 Clegg \_\_\_\_\_  
 Glavin \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tracy \_\_\_\_\_  
 Harbo \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Gandy \_\_\_\_\_

ENCLOSURE  
 101

BUC:sm  
 8/18/52

for

WPA  
 B. J. Connell



Memo to  
Mr. D. M. Ladd from A. H. Belmont

Re: JUSTICE FELIX FRANKFURTER

Leopold Frankfurter, father of Justice Felix Frankfurter, had finally turned up. In answer to this, Mr. Devaney indicated that they had not as yet located the file on Leopold Frankfurter. He mentioned that he was discreetly attempting to locate the file at the Central Office of INS and intimated that at this time he hesitated to make a request of the New York Office of INS to make a check of their files since he did not want it to become generally known that the higher officials of INS are interested in the citizenship status of Justice Felix Frankfurter.

RECOMMENDATION:

None. This is for your information.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. D. M. Ladd  
 FROM : A. H. Belmont  
 SUBJECT: JUSTICE FELIX FRANKFURTER

DATE: August 19, 1952

PURPOSE:

To advise you of information in Bureau files concerning the citizenship of Justice Felix Frankfurter.

BACKGROUND:

You will recall my memorandum to you dated August 8, 1952 reflecting a request from Mr. A. C. Devaney, Assistant Commissioner of the Immigration and Naturalization Service (INS) in Charge of Inspections and Examinations, for any information in our files concerning the citizenship of Justice Felix Frankfurter. Mr. Devaney advised he is receiving numerous letters questioning the citizenship of Justice Frankfurter and that his Service has been unable to locate any file reflecting his citizenship status. He advised he has checked with the Department of Justice but nothing relating to the matter involved was located.

SCOPE OF SEARCH:

A complete search was afforded the name of Felix Frankfurter. The review of the references was limited to information concerning his citizenship.

INFORMATION IN BUREAU FILES:

No investigation has been conducted by the Bureau concerning Felix Frankfurter. However, the files contain over 400 references to him. Included in these references is a file concerning Otto Frankfurter, a brother, which contains some information concerning the citizenship claims of Felix Frankfurter.

During September and October, 1948, the Bureau conducted an investigation concerning Otto Frankfurter who had been appointed to a position with the Economic Cooperation Administration in Paris, France. On the application form submitted by Otto Frankfurter he indicated he had been naturalized at New York City on.

Attachment

RCB/sjb/jf  
RUB

ENCLOSURE

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SEP 8 1952

EX-73

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170 OCT 1 1964

Memo from Mr. Belmont to Mr. Ladd

June 2, 1898. During this investigation the records of the New York Office of INS were checked which failed to reflect any record of the naturalization of Otto Frankfurter. However, records of the Clerk in Charge of Naturalization Records, Supreme Court Building, New York City, reflected that Leopold Frankfurter had been naturalized in the Southern District of New York Federal Court on June 2, 1898. The application form furnished by Otto Frankfurter reflected that his father was Leopold Frankfurter. The only record in the files of INS, New York, was a card indicating that the file concerning the naturalization of Leopold Frankfurter had been forwarded to Central Records, Washington, D. C.

The records of INS in Washington, D. C., reflected a file on Otto Frankfurter. Included in this file was a teletype from the Deputy Commissioner of INS to New York dated February 6, 1942, requesting verification of the naturalization of Leopold Frankfurter in 1898. Another teletype in this file, submitted in reply to the above, indicated that Leopold Frankfurter had been naturalized in the Supreme Court, State of New York, First Judicial District, June 2, 1898, and that the file concerning this naturalization had been forwarded the INS central office on January 13, 1939, in response to their request. This file also reflected that Otto Frankfurter had been issued a Certificate of Derivative Citizenship by INS at Washington, D. C., on February 14, 1942. Otto Frankfurter claimed his father, Leopold, had been naturalized June 2, 1898, in the Supreme Court, First Judicial District, New York City. The file also reflected that Mr. Shoemaker of INS at Washington had discussed the eligibility of Otto Frankfurter for derivative citizenship with Justice Frankfurter on February 15, 1942. Justice Frankfurter stated at that time that he based his own claim to citizenship on the naturalization of his father and corroborated Otto Frankfurter on all essential elements.

By memorandum dated September 30, 1948, Mr. Rosen advised you of the progress of the investigation concerning Otto Frankfurter. Included in this memorandum was information concerning the citizenship matter. It was pointed out that Otto Frankfurter's claim to citizenship was based on the alleged naturalization of his father which was unsupported by petition or certificate number. It was pointed out that this matter involved a serious question as to the citizenship status of Justice Frankfurter. It was recommended that

Memo from Mr. Belmont to Mr. Ladd

the original record of INS concerning the naturalization of Leopold Frankfurter be located. The Director noted on the matter "Yes, go thoroughly into this and get all the facts."

The files reflect that the Washington Field Office was instructed to pursue this matter further. However, the report of the New York Office was subsequently received reflecting the location of a record of the naturalization of Leopold Frankfurter in the records of the Clerk of the Supreme Court of New York State.

OBSERVATIONS:

The following inconsistencies and irregularities appear to have occurred in the INS files:

1. The records of INS at Washington, D. C., reflect that a Certificate of Derivative Citizenship was issued Otto Frankfurter on February 20, 1942. This was based on Otto Frankfurter's claim that his father, Leopold, had been naturalized in the Supreme Court of New York County on June 2, 1898. This file also reflects that the naturalization of Leopold Frankfurter had been verified.

During the Bureau's investigation of Otto Frankfurter, the records of the Clerk of Naturalization Records, Supreme Court Building, New York City, reflected that Leopold Frankfurter was naturalized in the Southern District of New York Federal Court on June 2, 1898.

2. The file concerning the naturalization of Leopold Frankfurter was not located at the time of the investigation in 1948, and apparently INS is unable to locate this file at the present time. During the investigation of Otto Frankfurter, a contact at INS advised that the file on Leopold Frankfurter, the father, had apparently been removed and was kept in a confidential location due to his connection with a "very important person." It is significant that the file on Leopold Frankfurter was forwarded to the central office of INS during January, 1939, the same month in which Justice Frankfurter received his appointment to the Supreme Court.

*See if file has been  
now finally turned  
up.*

Memo from Mr. Belmont to Mr. Ladd

ACTION:

The publication entitled "Nomination of Felix Frankfurter," hearings before a subcommittee of the Committee on the Judiciary, U. S. Senate, 76th Congress, June 11, 12, 1939, was reviewed at the Library of Congress (Library call symbol JK 1519. F7A4 1939) for Justice Frankfurter's testimony with reference to his naturalization. Frankfurter testified that he was born in Vienna, Austria, on November 15, 1882. He came to the United States in 1894, some time during August, at the age of twelve years, in the company of his mother, three brothers and one sister to join his father who had arrived in the United States in 1893, as a visitor on a business trip.

The testimony further reflects that in reply to Senator McCarran's question "Do you recall when he (Frankfurter's father) applied for citizenship?" Justice Frankfurter replied:

"I have a certified copy of his naturalization papers. He died in 1916, and it has been quite a nuisance from time to time to satisfy officials of my town, Cambridge, of the Commonwealth of Massachusetts, and of the United States, as to the date of his naturalization...."

The following is a verbatim excerpt from the printed testimony:

"Senator McCarran: 'I have before me what purports to be the certificate to which you refer.'

"Doctor Frankfurter: 'If that's the one I sent to Mr. Acheson, that is it.'

"Senator McCarran: 'I procured it from Mr. Acheson this morning, he having had it before the Committee on yesterday. I notice it certifies the admission to citizenship of Leopold Frankfurter in June, 1898. Is that the one you have used for passport purposes?'

"Doctor Frankfurter: 'Quite so; passports and voting.'

"Senator McCarran: 'This is the only evidence you know of, I take it, of his admission? Have you looked into the records of the court in New York from which this certificate was issued?'

Memo from Mr. Belmont to Mr. Ladd

"Doctor Frankfurter: 'I do not now remember whether I wrote a letter or asked a friend in New York to get the authenticated certificate of naturalization....'"

It is noted that "Who's Who in America," 1952-53, reflects that between 1934 and 1941, Dean Acheson, now Secretary of State, was a member of the law firm Covington, Burling, Rublee, Acheson and Shorb.

RECOMMENDATION:

That Mr. Devaney of INS be advised that no investigation has been conducted by the FBI of Justice Felix Frankfurter. Further, that he be referred to the sources of information regarding the citizenship status of Frankfurter's father and of Justice Frankfurter mentioned hereinbefore.

Yes  
K.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. D. M. Ladd

FROM : Mr. A. H. Belmont

SUBJECT: JUSTICE FELIX FRANKFURTER

DATE: August 8, 1952

Tolson \_\_\_\_\_

Ladd \_\_\_\_\_

Nichols \_\_\_\_\_

Belmont \_\_\_\_\_

Glavin \_\_\_\_\_

Harbo \_\_\_\_\_

Rosen \_\_\_\_\_

Tracy \_\_\_\_\_

Mohr \_\_\_\_\_

Tele. Rm. \_\_\_\_\_

Nease \_\_\_\_\_

Gandy \_\_\_\_\_

Mr. A. C. Devaney, Assistant Commissioner of the Immigration and Naturalization Service in Charge of Inspections and Examinations, contacted Supervisor John E. Foley to advise that his Service is being deluged with letters questioning the citizenship status of Justice Frankfurter. He further advised that his Service is beginning to feel the pressure of these letters and other inquiries. He explained that his Service has been unable, after considerable effort, to locate any file reflecting the citizenship status of Justice Frankfurter. He pointed out that he made inquiry of the Department of Justice for information relating to the citizenship status of Justice Frankfurter but was advised that the Department of Justice had nothing relating thereto, therefore, he asked whether the Bureau had any information bearing upon Justice Frankfurter's citizenship.

A check of "Who's Who in America" for 1952-53, disclosed that Justice Felix Frankfurter was born on November 15, 1882, in Vienna, Austria, to Leopold and Emma (Winter) Frankfurter and was brought to the United States in 1894. A preliminary search of the records of this Bureau disclosed a main case file on Felix Frankfurter which largely consisted of miscellaneous data. No investigation has been conducted of Justice Felix Frankfurter by this Bureau. Moreover, examination of the miscellaneous data failed to disclose any information relating to his citizenship status.

ACTION

A review is being made of the four hundred to five hundred references in Bureau files concerning Justice Frankfurter in an effort to determine if the Bureau has any information concerning the citizenship status of Justice Frankfurter and you will be advised of the result of this review.

Memo  
Ladd from Belmont  
9-29-52  
BSC

JEFO:jmr:nlm

memo to Mr. Ladd  
from Mr. Belmont  
8/19/52

B: fJB

RECORDED - 181

162-37356-18

SEP 8 1952

68 SEP 25 1952

EX - 73

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nichols

FROM : M. A. Jones

SUBJECT: WESTBROOK PEGLER'S COLUMN  
OF JUNE 17, 1953

DATE: June 17, 1953

Mr. Pegler stated in his June 17 column: "The Frankfurter report to Woodrow Wilson on the Mooney case was signed also by Max Lowenthal as assistant secretary."

The Director asked: "Is this a fact? H."

President Wilson appointed a "Mediation Commission" in September 1917 to investigate the Tom Mooney case. The Commission turned in its report to the President on January 9, 1918. It was signed by the members of the Commission as follows:

W. B. Wilson, Chairman.  
Verner Z. Reed.  
Jackson L. Spangler.  
John H. Walker.  
Felix Frankfurter,  
Secretary and Counsel.  
Max Lowenthal,  
Assistant Secretary.

This is possibly the report referred to by Pegler as no such report as a "Frankfurter report to Woodrow Wilson on the Mooney Case" other than this could be found. (Source: "The Official Bulletin" January 2-April 30, 1918, Department of Justice Library.)

BMS:gip

162-37356

NOT RECORDED

161 SEP 21 1953

ORIGINAL COPIES FILED IN

255 11

53 11



## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson ✓

DATE: Sept. 17, 1953

FROM : L. B. Nichols

SUBJECT: ALEXANDER MORDECAI BICKEL *D.C.*

Tolson ✓  
Ladd ✓  
Nichols ✓  
Belmont ✓  
Clegg ✓  
Glavin ✓  
Harbo ✓  
Rosen ✓  
Tracy ✓  
Gearty ✓  
Mohr ✓  
Winterrowd ✓  
Tele. Room ✓  
Holloman ✓  
Gandy ✓

While discussing another matter with Ben Mandel of the Jenner Committee, Mandel mentioned he understood that Alexander Mordecai Bickel was being pushed by Felix Frankfurter for an important post in the State Department. Mandel indicated that if we ever ran on to this individual, we might want to bear in mind his connection with Frankfurter.

A check of the Special Inquiry section in the Investigative Division reflects we have not had any request for a Special Inquiry to be made on this individual.

cc: Mr. Ladd  
Mr. Rosen

JJM:MP

RECORDED-19  
INDEXED-19

62-37356-19  
SEP 30 1953

279  
OCT 7 1953



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

Post Office Box #2344  
Boston, Massachusetts  
December 7, 1955

PERSONAL

|                |       |
|----------------|-------|
| Mr. Tolson     | _____ |
| Mr. Nichols    | _____ |
| Mr. Boardman   | _____ |
| Mr. Belmont    | _____ |
| Mr. Ladd       | _____ |
| Mr. Mohr       | _____ |
| Mr. Parsons    | _____ |
| Mr. Rosen      | _____ |
| Mr. Tamm       | _____ |
| Mr. Nease      | _____ |
| Mr. Winterrowd | _____ |
| Tele. Room     | _____ |
| Mr. Holloman   | _____ |
| Miss Gandy     | _____ |

John Edgar Hoover, Director  
Federal Bureau of Investigation  
U. S. Department of Justice  
Washington, D. C.

Dear Mr. Hoover:

Recently, I had lunch with William T. McCarthy, United States District Court Judge, Boston, Massachusetts, at which time he expressed his concern with the insidious influence that has been exercised by Justice Felix Frankfurter in our Government for many years. He said he wanted me to bring to your attention the following situation that occurred in the Department of Justice in 1942 as an illustration of the reaching tentacles of Frankfurter.

Judge McCarthy related that when he became United States Attorney for Massachusetts in 1947 he made it his business to check the Department records on the "unfair" action that had been taken against Assistant United States Attorney Gerald J. McCarthy in 1942, who had been charged by a Dr. Alice Hamilton, Hadlyme, Connecticut, with having been discourteous to certain alien enemies. Judge McCarthy was then an Assistant U. S. Attorney in the same office and it is still very disturbing to him that a person like Dr. Hamilton with known Communist affiliations could bring about such action.

Judge McCarthy made available copies of the following documents which I am forwarding herewith:

1. A memorandum dated September 5, 1942 from James Rowe, Jr., then Assistant to the Attorney General, relative to the 30-day suspension of Assistant U.S. Attorney Gerald J. McCarthy.

EJP:maw  
Encs. 3

162-37356-✓  
NOT RECORDED  
43 DEC 16 1955

8 DEC 15 1955

32 DEC 20 1955

SUBV. CONTROL

ORIGINAL - COPY FILED IN 62-101763-276

2. A letter dated September 7, 1942 from Assistant to the Attorney General Rowe to DR. HAMILTON. In this letter Mr. ROWE advised DR. HAMILTON that MCCARTHY had been suspended and permanently severed from any connection with the Alien Enemy Program, that she might feel this was not a sufficiently severe penalty for his behavior and that perhaps he should have been dismissed outright. He also referred to their mutual friend, "Felix."
3. A memorandum reflecting the affiliation of Dr. Hamilton with Communist front groups.

Judge McCarthy requested I forward these documents to you for your personal review. He thought that they should be in the possession of the Bureau for possible future reference.

Judge McCarthy said it was outrageous that a top official in the Department of Justice would write such a condescending letter to a person of Dr. HAMILTON's background and known Communist affiliations. He stated he is still convinced that he actually was the intended target of the viciousness but that through mistake, because of similarity in name, AUSA GERALD J. MCCARTHY was the victim.

Judge McCarthy, who has been a vigorous and outspoken opponent of Frankfurter and Communism, has been a longtime friend of the Bureau and has the deepest respect and regard for you. I assured him that I would forward this material to you. His office is in the Federal Building, Boston, Massachusetts.

Incidentally, BRAD MINTENER stopped by for a personal call today. I had known him in Minneapolis and I was very pleased that I could show him our facilities here. He spoke in glowing terms of the recent FBI liaison function at the Army-Navy Club.

Sincerely,



E. J. Powers  
Special Agent in Charge

SAC, Washington Field (77-2312)

June 2, 1954

Director, FBI (65-58728)

PERSONAL ATTENTION

IRVING KAPLAN, was.  
ESPIONAGE - R

62-37356 - ✓

There is attached for the information of the Washington Field Office a copy of a teletype from the New York office dated May 29, 1954. There is also attached a copy of the summary report of Special Agent Herman G. Littlejohn dated February 16, 1953 at New York in this case. You should make immediate arrangements to interview [redacted] and this interview is to be handled by you personally, accompanied by an agent familiar with this case.

[redacted] should be informed that we have received an allegation from a source of unknown reliability that [redacted]

[redacted] should be informed that we are contacting him to determine whether there is any substance to this allegation and if so, to determine if he can furnish us any further details concerning the matter, including the names of any other persons involved. You should not reveal to [redacted] the source of our information in this matter.

During this interview, you should not mention Justice Frankfurter or the reported statement that [redacted] is of the opinion that Justice Frankfurter is a Communist.

You should immediately furnish to the Bureau the results of your interview with [redacted]

Attachment

cc - 2 - New York (65-15110)

Tolson \_\_\_\_\_  
Ladd \_\_\_\_\_  
Nichols \_\_\_\_\_  
Belmont \_\_\_\_\_  
Clegg \_\_\_\_\_  
Glavin \_\_\_\_\_  
Harbo \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tracy \_\_\_\_\_  
Mohr \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Nease \_\_\_\_\_

RJL:elc

80 JUN 24 1954

COMM - FBI

JUN 3 1954

ORIGINAL COPY FILED IN 100-37356-10

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 27 1954

TELETYPE

|                |  |
|----------------|--|
| Mr. Tolson     |  |
| Mr. Boardman   |  |
| Mr. Nichols    |  |
| Mr. Belmont    |  |
| Mr. Harbo      |  |
| Mr. Mohr       |  |
| Mr. Parsons    |  |
| Mr. Rosen      |  |
| Mr. Tamm       |  |
| Mr. Egan       |  |
| Mr. Winterrowd |  |
| Tele. Room     |  |
| Mr. Holloman   |  |
| Miss Gandy     |  |

WASH 8 FROM NEW YORK

27 342 P

DIRECTOR URGENT

FELIX FRANKFURTER

IRVING KAPLAN, WAS, ESP DASH R. ON THE AFTERNOON OF MAY TWO SIX LAST

WAS INTERVIEWED

CONCERNING OWEN LATTIMORE IN ACCORDANCE WITH BUREAU INSTRUCTIONS.  
INFORMATION OBTAINED RE LATTIMORE WILL BE REPORTED IN SEPARATE COMMUN-  
ICATION. AFTER THE TERMINATION OF THE INTERVIEW IN A GENERAL  
CONVERSATION [REDACTED] RELATED THE FOLLOWING.

102-37356-150  
NOT RECORDED  
164 JUN 8 1954  
INITIALS OF ORIGINAL

PAGE TWO

b7D

PAGE THREE

b7D

[REDACTED] STATED THAT IT WAS OF THE  
UTMOST IMPORTANCE TO HIM THAT HIS NAME NOT BE INVOLVED IN CONNECTION  
WITH THIS INFORMATION AND SUGGESTED THAT IN THE EVENT [REDACTED] WAS  
INTERVIEWED CONCERNING IT, SOME SUITABLE PRETEXT BE USED TO PROTECT  
THE SOURCE OF INFORMATION. [REDACTED] STATED THAT [REDACTED]

[REDACTED] FURTHER STATED THAT [REDACTED] WAS A BITTER ANTI COMMUNIST AND  
CITED THE FACT THAT [REDACTED] IN HIS OPINION  
JUSTICE FELIX FRANKFURTER WAS PROBABLY A COMMUNIST AND HAD DONE MORE  
HARM TO THE US THAN ANY OTHER MAN IN WASHINGTON. [REDACTED] DID NOT  
STATE THE BASIS FOR THIS REMARK TO [REDACTED] BUT [REDACTED] BELIEVED THAT  
IT POSSIBLY RELATED TO THE FACT THAT FRANKFURTER HAD SPONSORED  
SO MANY "BRIGHT YOUNG MEN" AT WASHINGTON WHO TURNED OUT TO BE RUSSIAN  
AGENTS. [REDACTED]

IT  
IS SUGGESTED THAT THE BUREAU CONSIDER AUTHORIZING WFO TO INTERVIEW  
[REDACTED] UNDER A SUITABLE PRETEXT WHICH WILL PROTECT THE SOURCE OF  
THE INFORMATION. [REDACTED] ALSO ADVISED THAT HE HAD NEVER SUBSEQUENTLY  
DISCUSSED THE ABOVE WITH [REDACTED] [REDACTED] DOES NOT KNOW WHETHER

END PAGE THREE

PAGE FOUR

[REDACTED] EVER REPORTED THE ABOVE TO ANY AGENCY OF THE GOVERNMENT.

[REDACTED] WAS ADVISED THAT AN INQUIRY WOULD BE CONDUCTED CONCERNING

THE MATTER AND THAT NO GUARANTEE COULD BE MADE THAT HIS

IDENTITY OR THE INFORMATION COULD BE PRESERVED CONFIDENTIALLY.

PARTICULARLY IN VIEW OF THE FACT THAT [REDACTED] MIGHT NEVER HAVE

DISCLOSED THE ABOVE INFORMATION TO ANYONE OTHER THAN [REDACTED]

KELLY

END

NY R E WA PC

CC: MR. BELMONT  
MR. [REDACTED]  
FEDERAL BUREAU OF INVESTIGATION



New York, N. Y.  
April 9, 1954

PERSONAL AND  
CONFIDENTIAL

Mr. J. Edgar Hoover  
Director, FBI  
Washington, D. C.

Dear Mr. Hoover:

I had an opportunity to meet General Douglas MacArthur today and enjoyed quite a lengthy conversation with him. He was very complimentary about the Bureau's work, and he stated it could have been done only under your leadership. He believes that the forces of subversion in the country will keep after the Senate investigating committees until such time as they run them out of business, after which he expects that a concerted effort will be made to discredit you. The General stated, "I hope this day never comes, but I'm afraid they're going to try."

It was General MacArthur's opinion that the press and radio-television avenues of communication of the country are under one principal leadership. He believes it more than coincidental that editorially many papers on the same day will play up the same issues, even to including the same words. He believes, and he said that he would not want to be quoted, that the best bet for the real brains of subversive leadership in the country is Supreme Court Justice Felix Frankfurter.

I thought you would be interested in having the above information.

Sincerely,

JAMES J. KELLY  
SAC

JJK:MT

53 APR 27 1954

100-37206-1  
NOT RECORDED  
87 APR 22 1954

INITIALS

ORIGINAL FILED IN

TO: MR. A.H. BELMONT

6-22-53

FROM: MR. L.L. LAUGHLIN

SUBJECT: JULIUS AND ETHEL ROSENBERG  
ESPIONAGE - R

*Justice Felix Frankfurter*

Special Agent Howard Fletcher, Jr., of the WFO called at 12:18 P.M. today and advised that Justice Frankfurter's decision in this case had just been handed down. Fletcher said it is a 10-page opinion which definitely is a dissent from the majority view of the Court. Fletcher is trying to obtain a copy and as soon as he secures one, he will furnish it to the Bureau.

ACTION: For information.

LLL:mer

Cc: Mr. Ladd

*86-1840 CV*

*7/25/86 DE 3042*

*part - NLC*

*62. 37356.*  
NOT RECORDED  
138 JUN 26 1953

78 JUN 29 1953, 67

ORIGINAL COPY FILED IN 65-58236

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mason \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Winterrowd \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

### Arnold Margolin

May I draw on the hospitality of your columns to note the death of Dr. Arnold D. Margolin, a victim of one of those cruel Washington traffic accidents. He was a shining example of the best Western influence in pre-Soviet Russia. As a lawyer he gained international distinction in a case as important in the history of justice as the Dreyfus affair. By exposing the machinations of a corrupt prosecution he cleared Mendel Beiliss of that awful blight of Czarist obscurantism, the charge of ritual murder of a Christian child.

After the Russian revolution, his deep love of liberty brought him to this country. Here, in his quiet, scholarly way, he brought much enlightenment to men in public and private life concerning the various forces that were contending for mastery in Eastern Europe. He had more than his share of life's vicissitudes, but his spirit remained equable and his faith in the ultimate triumph of reason and justice unperturbed. Throughout our history, the Promise of America lured men like Dr. Margolin to our shores. Men such as he have helped to fulfill the promise and to maintain its appeal.

FELIX FRANKFURTER,  
 Associate Justice,  
 United States Supreme Court,  
 Washington.

INDEXED-3

EX-127

162-37556-21  
 NOT RECORDED  
 149 NOV 5 1956

Wash. Post and Times Herald \_\_\_\_\_  
 Wash. News \_\_\_\_\_  
 Wash. Star \_\_\_\_\_  
 N. Y. Herald Tribune \_\_\_\_\_  
 N. Y. Mirror \_\_\_\_\_  
 N. Y. Daily News \_\_\_\_\_  
 Daily Worker \_\_\_\_\_  
 The Worker \_\_\_\_\_  
 New Leader \_\_\_\_\_  
 Date \_\_\_\_\_

67 NOV 13 1956

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

FROM : SAC, Boston (62-0)

SUBJECT: FELIX FRANKFURTER  
MISCELLANEOUS  
(INFORMATION CONCERNING)

DATE: 1/31/56

|                |       |
|----------------|-------|
| Mr. Tolson     | _____ |
| Mr. Nichols    | _____ |
| Mr. Boardman   | _____ |
| Mr. Belmont    | _____ |
| Mr. Mohr       | _____ |
| Mr. Parsons    | _____ |
| Mr. Rosen      | _____ |
| Mr. Tamm       | _____ |
| Mr. Nease      | _____ |
| Mr. Winterrowd | _____ |
| Tele. Room     | _____ |
| Mr. Holloman   | _____ |
| Miss Gandy     | _____ |

On December 2, 1955, [ ] furnished the following information 4-1, b7D

MICHAEL C. FLAHERTY, last known to be an organizer of the CIO United Shoe Workers of America, chaired a Gene Debs Centennial meeting held at the Community Church, Boston, Mass., on Nov. 16, 1955. In a speech FLAHERTY extolled the virtues of EUGENE DEBS. He discussed how he had marched side by side with FELIX FRANKFURTER in the parade following the deaths of SACCO and VANZETTI. FLAHERTY stated that FRANKFURTER had extolled the virtues of SACCO and VANZETTI in a book and that FRANKFURTER had admired these two men very much.

The Informant stated that FLAHERTY also talked of some connection between FRANKFURTER and a man named MOONEY (possibly TOM MOONEY). FLAHERTY also stated that no matter what FRANKFURTER had done in later years, you had to give him credit for what he did in those earlier days.

The above is being furnished the Bureau for its information.

JFN:lmm

66 FEB 14 1956

RECEIVED

RECORDED-107

INDEXED-107

FEB 8 1956

ORIGIN

ST **Office Memorandum • UNITED STATES GOVERNMENT**

TO : MR. L. V. BOARDMAN

DATE: November 20, 1957

FROM : MR. A. H. BELMONT

SUBJECT: DREW PEARSON COMMENT  
ON FELIX FRANKFURTER  
CENTRAL RESEARCH MATTERALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 2-1-82 BY SP4 [signature]  
#265,955

|            |  |
|------------|--|
| Tolson     |  |
| Nichols    |  |
| Boardman   |  |
| Belmont    |  |
| Mohr       |  |
| Parsons    |  |
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| Tamm       |  |
| Trotter    |  |
| Nease      |  |
| Tele. Room |  |
| Holloman   |  |
| Gandy      |  |

Columnist Drew Pearson unwittingly revealed an interesting aspect of his thinking through his newspaper column this morning. He went to great length to describe a dinner given recently by Supreme Court Justice Felix Frankfurter. According to Pearson, Frankfurter gave the dinner the same night that the Queen of England was entertained at a dinner at the White House. Frankfurter, indications are, was perturbed at not being invited to the White House affair. Thus, Pearson states, Frankfurter's dinner featured everything that was on the menu at the White House that night. (The Washington Post and Times Herald, 11/20/57, p. D13)

The really interesting part of Pearson's story about Frankfurter's dinner party was glossed over by Pearson. He commented briefly and without further elaboration that Frankfurter "sent out formal dinner invitations to four close friends, including Donald Hiss, brother of Alger Hiss."

The smallness of Pearson's thinking is illustrated by his handling of this story. He handled it in a manner designed to make Frankfurter appear quite an individualist. Pearson apparently saw nothing unusual in a dinner invitation from a Supreme Court Justice to a man who is not only a brother of a traitor, but also one who was exposed publicly as a member of the same communist movement his traitorous brother served.

If Pearson's story about the Frankfurter dinner party is true, it also reveals a most interesting aspect of Frankfurter's character. It is no secret that Alger Hiss was a traitor to his country. It is no secret that his brother, Donald, was exposed by Whittaker Chambers as a communist. Yet, Frankfurter apparently holds his position as a Supreme Court Justice so lightly that he continues to maintain a close friendship with Donald Hiss, even to the extent of having it known nationally. (Witness, Whittaker Chambers, p. 543)

CDB:let  
(10)

For Information

1 - Section tickler

1 - C. D. Brennan

1 - M. A. Jones

1 - F. J. Baumgardner

1 - D. E. Moore

1 - Mr. Belmont

1 - Mr. Boardman

1 - Mr. Nease

1 - Mr. Mohr

NOV 25 1957

RECORDED  
CENTRAL RESEARCH

UNRECORDED COPY FILED IN

## DAVID LAWRENCE

## 'Frankfurter vs. Frankfurter'

## Should Justice Have 'Recused' Himself From Case That Involved the NAACP?

This is the story of a case that might be called "Frankfurter vs. Frankfurter." It concerns a struggle of conscience which Justices of the Supreme Court undergo when they are faced with the question of whether or not they should disqualify themselves from judging any case in which they previously have had a personal interest or connection.

This very problem had arisen with respect to Justice Frankfurter before it came up a few days ago when The Standard-Times of New Bedford, Mass., published an exchange of letters with him about his 10-year affiliation with the legal committee of the National Association for the Advancement of Colored People. *File 15*

Justice Frankfurter wrote that it was true he had for a long time, while a professor at Harvard Law School, given advice on "policy" matters to the legal committee of this organization. He wrote that the connection was terminated when he became a Supreme Court justice and added that he never had accepted any monetary compensation for such service.

Perhaps the best single statement of a judge's problem in meeting a "conflict of interest" where there has been no commercial or financial connection previously, but where emotions and personal feeling may be involved, was made by Justice Frankfurter himself. He gave a public explanation on May 26, 1952, of why he had declined to participate in the decision of a case before the Supreme Court about the broadcasting of music that annoyed the passengers on a Capital Transit Co. bus in Washington. It had caused some of them to bring suit to declare such broadcasting a violation of both the First and Fifth amendments of the Constitution.

Here is what Justice Frankfurter in "recusing" himself—which is the legal expres-

sion for self-disqualification—wrote at that time:

"The judicial process demands that a judge move within the framework of relevant legal rules and the covenanted modes of thought for ascertaining them. He must think dispassionately and submerge private feeling on every aspect of a case. There is a good deal of shallow talk that the judicial robe does not change the man within it. It does. The fact is that on the whole judges do lay aside private views in discharging their judicial functions. This is achieved through training, professional habits, self-discipline and that fortunate alchemy by which men are loyal to the obligation with which they are entrusted. But it is also true that reason cannot control the subconscious influence of feelings of which it is unaware. When there is ground for believing that such unconscious feelings may operate in the ultimate judgment, or may not unfairly lead others to believe they are operating, judges recuse themselves. They do not sit in judgment. They do this for a variety of reasons. The guiding consideration is that the administration of justice should reasonably appear to be disinterested as well as be so in fact.

"This case for me presents such a situation. My feelings are so strongly engaged as a victim of the practice in controversy that I had better not participate in judicial judgment upon it. I am explicit as to the reason for my non-participation in this case because I have for some time been of the view that it is desirable to state why one takes himself out of a case."

Many lawyers now are pointing out that Justice Frankfurter apparently felt so deeply about a case in which the National Association for the Advancement of Colored People was a party that he was not content to stand on the written opinion

which he and the eight other justices issued on September 29 last. He felt impelled to give out a few days later a separate opinion of his own in addition. This lengthy document was replete with emotional phrases and oratorical exclamations, thus causing many lawyers to comment that Justice Frankfurter may have been revealing the same type of "subconscious feelings" which prompted him to disqualify himself in the bus case.

This is not the first time Justice Frankfurter has been criticized for sitting in a case in which he had a part prior to coming on the Supreme Court bench. In 1917 he was chief counsel for a three-man commission appointed by the President to investigate labor troubles in the principal mines of the Phelps-Dodge Co. in Arizona. The report aroused bitter comment from former President Theodore Roosevelt. Then, in April 1941, Justice Frankfurter wrote the opinion in a Supreme Court case on labor questions which was decided against the Phelps-Dodge Co., and many lawyers said at the time that he should have disqualified himself.

Justices often disqualify themselves from sitting in cases in which they have had some previous connection with either party to the litigation. The nonreceipt of a fee isn't always the controlling factor. Thus, a Supreme Court justice who has served as Attorney General or Solicitor General usually disqualifies himself from sitting in any case in which he has had some part personally, and, of course, there are no fees paid the Attorney General or Solicitor General for particular cases in the work of the Department of Justice.

There are no written rules of the Supreme Court requiring a justice to disqualify himself when he has had a previous connection with either party to a suit that comes before the court. The problem is left to the conscience of each justice.

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Tolson \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Nease \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

*dup*

*File 15*  
62-37356-A  
NOT RECORDED  
191 OCT 30 1958

Wash. Post and Times Herald \_\_\_\_\_  
Wash. News \_\_\_\_\_  
Wash. Star *A15* \_\_\_\_\_  
N. Y. Herald Tribune \_\_\_\_\_  
N. Y. Journal-American \_\_\_\_\_  
N. Y. Mirror \_\_\_\_\_  
N. Y. Daily News \_\_\_\_\_  
N. Y. Times \_\_\_\_\_  
Daily Worker \_\_\_\_\_  
The Worker \_\_\_\_\_  
New Leader \_\_\_\_\_

OCT 13 1958  
Date \_\_\_\_\_

66 NOV 3 1958 *1958*

# Frankfurter Ill of Heart Disturbance

High Court Justice  
Reported Resting  
Well in Hospital

By Ronald H. Nessen  
United Press International

Supreme Court Justice Felix Frankfurter has suffered a "mild heart disturbance" and has been hospitalized for rest and observation, it was announced last night.

A Court spokesman said Frankfurter, who observed his 76th birthday on Nov. 15, had consulted with his physician Tuesday after he had complained of not feeling well.

He said the physician, Dr. Walter J. Bloedorn, ordered Frankfurter hospitalized at George Washington University Hospital.

Bloedorn, the spokesman said, "considered it advisable to hospitalize the Justice for observation following a mild heart disturbance. He is resting comfortably and the doctors are pleased with his progress."

It was not disclosed immediately when the Austrian-born Justice, the oldest active member of the High Court, suffered the disturbance. The Court spokesman did not call it a heart attack.

There have been rumors recently that Frankfurter would retire fairly soon. But there has been no confirmation from the Justice, one of the Court's most voluble and peppery members.

Under the law, justices with 10 years service may retire at age 70 with full salary of \$35,000 a year.

Bloedorn said Frankfurter entered the hospital under his own power and was not in an oxygen tent.

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Nease \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

*Handwritten initials*

*R 4-1*

62-37356-A  
NOT RECORDED  
126 DEC 3 1958

Wash. Post and Times Herald *AL*  
Wash. News \_\_\_\_\_  
Wash. Star \_\_\_\_\_  
N. Y. Herald Tribune \_\_\_\_\_  
N. Y. Journal-American \_\_\_\_\_  
N. Y. Mirror \_\_\_\_\_  
N. Y. Daily News \_\_\_\_\_  
N. Y. Times \_\_\_\_\_  
Daily Worker \_\_\_\_\_  
The Worker \_\_\_\_\_  
New Leader \_\_\_\_\_

Date **NOV 20 1958**

*7119*  
**67 DEC 4-1958**

# NOT DEFIANCE

*Ed's*  
Justice Frankfurter, a former policy matter adviser to the NAACP, has branded as "subversives" those who defy the Supreme Court's integration decisions.

It seems to us the justice has constructed here a dialectic booby trap. He has substituted the word "defy" where the word "resist" would much better fit the common understanding of the two words, for he was obviously referring to such men as Gov. Faubus of Arkansas and Almond of Virginia.

It has yet to be established—i.e., even the Court has not yet ruled specifically on the governors' right to close public schools—that Faubus acted illegally in closing Little Rock schools. In fact, he was merely obeying state law.

The acts of Governors Faubus and Almond have been acts of resistance, not defiance. Their acts have been no more defiance of the Constitution than was Frankfurter's own advocacy of breaking down the Court sanctioned and Congressionally sanctioned doctrine of separate but equal facilities.

Logically, it has been less so, for the school decisions were based on such ephemeral considerations as the writings of a Swedish sociologist. It is hardly constitutional for an alien to rewrite our Constitution—especially one who held the system in contempt.

Furthermore, by branding as "subversive" those who oppose the Court edict, he has libeled the governors of several Southern states, and by Court dicta, called for their removal from office. For certainly he would not contend that any "subversive" should be allowed public office. He has made these elected officials, via a gratuitous opinion, worse than Communists in the eyes of the Court. For the Court has sanctioned teaching the use of violence to overthrow the government by force, so long as they perform no overt act. In other words the teaching of such doctrine is not subversive, but to express opposition to integration in the schools constitutes subversion, in the eyes of Justice Frankfurter.

|                   |   |
|-------------------|---|
| Mr. Tolson        | ✓ |
| Mr. Belmont       | ✓ |
| Mr. Mohr          | ✓ |
| Mr. Nease         | ✓ |
| Mr. Parsons       | ✓ |
| Mr. Tamm          | ✓ |
| Mr. Trotter       | ✓ |
| Mr. W.C. Sullivan | ✓ |
| Tele. Room        | ✓ |
| Mr. Holloman      | ✓ |
| Miss Gandy        | ✓ |

*V. ew 4-1*  
*Five who-6*

*S. L. Latimer, Jr.*  
*Editor*

THE STATE  
Columbia, S. C.

Dated 10-9-58

*62-37356*

NOT RECORDED  
117 OCT 28 1958

66 OCT 29 1958



Felix

## Tribute to Frankfurter

It is not often that we have found ourselves in accord with Sen. John W. Bricker, especially in regard to constitutional issues, but his tribute in the Senate to Mr. Justice Frankfurter was so apt, so well expressed and so well supported in legal circles that it merits a round of applause. Mr. Bricker made it clear that he spoke as "one lawyer looking at another"; that he does not agree with all of Justice Frankfurter's opinions or with all of his philosophy; but he does greatly appreciate the senior Justice's "profound understanding of the judicial function." This makes the compliment all the more significant.

Senator Bricker went on to say:

No member of the Supreme Court in my memory has been more successful in keeping purely personal preferences from shaping his constitutional and statutory interpretations.

I think I have read enough of the cases to say with some authority that no one on the bench in that period [the last 20 years] has shown a better understanding of the need for judicial self-restraint than Mr. Justice Frankfurter.

This understanding is reflected in scores of opinions showing an honest search for congressional intent, a decent respect for the state legislatures and state judiciaries, and an aversion to the adjudication of issues which are prematurely raised, basically trivial, or essentially political in character.

The Senator denounced the bills before Congress seeking to compel the President to name to the Supreme Court only lawyers with judicial experience. "The mere fact that such legislation would have disqualified Mr. Frankfurter," he concluded, "is sufficient reason for not passing it." We agree with Senator Bricker on both points and also join in his hope that, as Justice Frankfurter begins his 20th year on the Supreme Bench, this illustrious disciple of Oliver Wendell Holmes may continue his service to the causes of justice and constitutional government for many more years.

Tolson ☒  
Boardman ☒  
Belmont ☒  
Mohr ☒  
Nease ☒  
Parsons ☒  
Rosen ☒  
Tamm ☒  
Trotter ☒  
Clayton ☒  
Tele. Room ☒  
Holloman ☒  
Gandy ☒

Advised

jit 4-1

Now!  
d

Wash. Post and Times Herald ☒ A-8  
Wash. News \_\_\_\_\_  
Wash. Star \_\_\_\_\_  
N. Y. Herald Tribune \_\_\_\_\_  
N. Y. Journal-American \_\_\_\_\_  
N. Y. Mirror \_\_\_\_\_  
N. Y. Daily News \_\_\_\_\_  
N. Y. Times \_\_\_\_\_  
Daily Worker \_\_\_\_\_  
The Worker \_\_\_\_\_  
New Leader \_\_\_\_\_

REC-50

62-37356-23

FEB 6 1958

EX-108

Date FEB 1 1958

67 FEB 7 1958

THE FOLGER SHAKESPEARE LIBRARY  
WASHINGTON 3, D. C.

*Administered by The Trustees of Amherst College*

LOUIS B. WRIGHT  
DIRECTOR

November 19, 1958

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Department of Justice  
Pennsylvania Avenue & 9th Street, N.W.  
Washington 25, D.C.

Dear Mr. Hoover:

From time to time we are troubled with cranks here at the Folger Library. Most of them are harmless and we pay no attention to them. But yesterday a man called me on the telephone and displayed such rabid anti-Semitism that I am sending the information on to you. It is just possible that it may furnish a bit of evidence that will fall into a pattern. We don't anticipate any trouble ourselves but the violence of his attack on Jews seemed to me to be indicative of something more than a mere passing prejudice. He explained that he had come down from New York to check on us.

I insisted that he give his name and he said that he was Alden Ward of 50 East 55th Street, New York. He talked like an elderly man and claimed to have been a friend of the Folger family.

He was concerned, he said, because he had seen a picture of Mr. Eustace Seligman, chairman of the Amherst Trustee committee that controls the Folger Library, in the newspapers, and was troubled because "the Folger Library was departing from the ideals of old Americans represented by Mr. Folger and his family and we were under the influence of people like Felix Frankfurter." He ranted at great length about our iniquity in not adhering to the ideals of "old Americans" and being motivated by "these alien influences."

In the course of his conversation, he said that he had a home in Florida and a home in Maine. His speech was highly literate and, rabid as he was, his sentences were logical and clear. He obviously is not a mental case but one inspired by deep hatred.

I don't know whether the bombings of synagogues and the violence against Jews are the result of organized groups, but if they are, this character would seem to me to be worth investigation. I am passing on the information for what it may be worth.

Faithfully yours,

Louis B. Wright

NOV 20 1958

EXP. PROC.  
NOV 20 1958

EX-132

REC-95

62-37356-24

Det'd  
11-26-58  
PCC

12-2  
NOV 20 1958

November 26, 1958

REC-96

62-37356-24

Dr. Louis B. Wright  
Director  
The Folger Shakespeare Library  
Washington 3, D. C.

Dear Dr. Wright:

Your letter dated November 19, 1958, has been received.

The interest prompting your writing is very much appreciated, and I want to thank you for bringing the matter you mentioned and your observations to our attention. Enclosed is a publication which you might like to read.

Sincerely yours,

J. Edgar Hoover



NOV 26 4 06 PM '58  
REC'D-READING ROOM  
FBI

Enclosure

Dept. of Justice Press Release of 10-23-58

NOTE: Bufile 67-286-2098-157 reflects that Dr. Wright contacted the Bureau in 1953 expressing his indignation at the manner in which two Special Agents of the Washington Field Office were conducting a surveillance on the grounds of The Folger Library. The two Agents were ~~seized~~ and Dr. Wright, it seems, had magnified the situation in the opinions of men who subsequently interviewed him. He furnished information of interest to the Bureau in 1952. (124-7528-8)

Bufile 62-26225-12-357 indicates that one Alden Ward, 6311 33rd Street, Northwest, Washington, D. C., telephonically requested publications on juvenile delinquency in November, 1956. He stated at that time that he was working for the Y. M. C. A. and the Y. M. C. A. had asked him to write a booklet on juvenile delinquency. Title of Dr. reflected in Bufiles.

DCI 52 DEC 5 1958

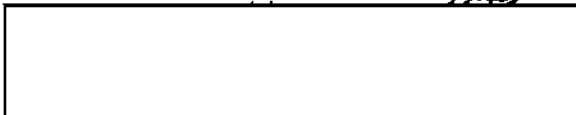
MAIL ROOM ☐ TELETYPE UNIT ☐

1 - Mr. Simpson

February 1, 1961

62  
REC-35

62-37856-25



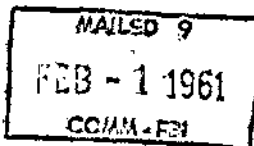
Dear

I have received your letter dated January 23, 1961, and your interest in writing to me is appreciated.

While I would like to be of assistance to you, the jurisdiction and responsibilities of the FBI do not extend to furnishing evaluations or comments concerning the character or integrity of any individual, organization or publication. I am precluded, therefore, from commenting upon the individuals and publication you mentioned; however, you should not infer that our files do or do not contain information concerning them.

In view of your interest in the menace of communism, I am enclosing some literature available for general distribution by the FBI which you may like to read.

Sincerely yours,



John Edgar Hoover  
Director

Enclosures (5)

NOTE ON YELLOW:

Correspondent advises that he has a recording of a talk given by Dr. Oliver Oliver describing communist activities in this country. He makes various controversial statements including an accusation that Supreme Court Justice Frankfurter is a communist. Before presenting this recording, correspondent wants to make sure that Dr. Oliver is reliable and asks if he is an authority on communist activities. He states further that

Tolson \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Belmont \_\_\_\_\_  
Callahan \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Malone \_\_\_\_\_  
McGuire \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_  
Evans \_\_\_\_\_

63 FEB 8 1961  
MAIL ROOM  
RDS:PW(3)

TELETYPE UNIT ☐

NOTE ON YELLOW, CONTINUED, PAGE TWO

[REDACTED]

NOTE ON YELLOW, CONTINUED

Dr. Oliver, H. Philbrick and "Mercury Magazine" have led him to believe that Frankfurter is a communist and wonders if we can verify this information. Bufiles contain no identifiable data concerning the correspondent.

Bufile on Felix Frankfurter does not indicate that we have ever conducted an investigation of him. He has been rather controversial through some of his Supreme Court decisions and through his friendship with Alger Hiss. (62-37356).

Correspondent's reference to Dr. Oliver Oliver undoubtedly refers to Dr. Revilo P. Oliver, a professor at the University of Illinois. We have conducted no investigation of him and have no identifiable derogatory information concerning him. We have had limited but cordial contacts with Dr. Oliver. He has, however, made allegations in the past that the Government of this country was and is "shot through" with communists. (65-45027)

[REDACTED]

[REDACTED]

Correspondent's reference to "Mercury Magazine" undoubtedly refers to the "American Mercury." The "American Mercury" was, until just recently, owned by Russell Maguire who is allegedly anticommunist, but has the reputation of being bitterly anti-Semitic. The publication was the subject of a Registration Act investigation in 1958 based upon the alleged exchange of funds between Maguire and the Ambassador of the Dominican Republic. The allegation was not established. (97-3486)

The following items of literature were sent to the correspondent:

1. "Communist Target - Youth."
2. "What You Can do to Fight Communism and Preserve America."
3. "Communist Party, USA," reprinted from "Ave Maria," April 30, 1960.
4. "One Nation's Response to Communism."
5. "America - Freedom's Champion."

January 23, 1961

Mr. J. Edgar Hoover  
Federal Bureau of Investigations  
Washington 25, D. C.

Dear Mr. Hoover:

ILLINOIS

I have a recording of a talk given by Dr. Oliver ~~Oliver~~,  
a professor of philology at the University of Illinois,  
in which Dr. Oliver describes the communist subversive  
activities threatening this country. Dr. Oliver makes  
many controversial statements, such as accusing Supreme  
Court Justice Felix Frankfurter of being a communist.  
I am interested in presenting this recording to various  
groups in the Minneapolis area in order to stir people  
out of their indifferent attitude toward communism.  
First however, I would like to make sure that Dr. Oliver  
is reliable. Can you give me any information about  
Dr. Oliver -- is he an authority on communist activities  
in this country?

Chicago -  
Urbana -  
Champaign,  
Ill.

Three sources have led me to believe Felix Frankfurter is  
a communist - Dr. Oliver, H. C. Philbrick and Mercury Magazine.  
Would you be able and willing to verify this either pro or  
con?

I would very much appreciate hearing from you.

Yours very truly,

[Redacted Signature]

[Redacted Stamp]

REC- 35

62-37356-25

6 JAN 26 1961

Barringer  
IN SEC.

ACK w/encs,  
2-1-61  
RDS/pw

EXP. PROC.  
JAN 26 1961

REG-54

62-37356-26

June 30, 1961

EX 104

Reverend H. A. Heckmann  
8402 Woodlyn  
Houston, Texas

JUN 30 5 42 PM '61  
FBI  
READING ROOM

Dear Mr. Heckmann:

I have received your letter of June 24, with enclosure, and the interest prompting your communication is appreciated.

In reference to your discussion, may I point out that the FBI is an investigative agency of the Federal Government. As a matter of policy, therefore, I have refrained from making comments or observations on issues such as you mentioned. I am sorry I cannot be of help to you, but I am sure you can understand my position.

Sincerely yours,  
J. Edgar Hoover

MAILED 25  
JUN 30 1961  
COMM-FBI

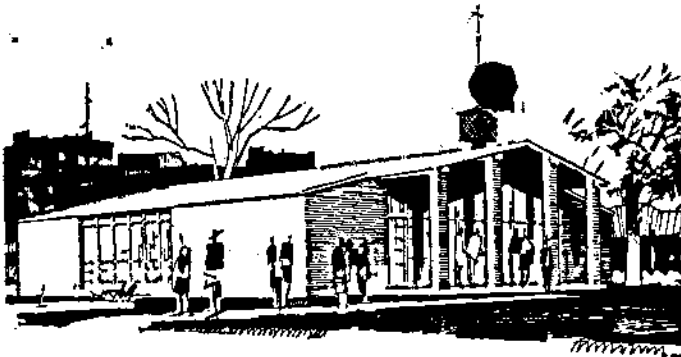
NOTE: Bufiles contain no information of a derogatory nature identifiable with Mr. Heckmann. No zone number being used as it is unknown whether home address is in same zone as the church.

- Tolson \_\_\_\_\_
- Belmont \_\_\_\_\_
- Mohr \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Evans \_\_\_\_\_
- Malone \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Ingram \_\_\_\_\_
- Gandy \_\_\_\_\_

JCF:ncm(8)

56 JUL 10 1961

MAIL ROOM ☐ TELETYPE UNIT ☐



# St. Stephen Lutheran Church

8140 EAST HOUSTON ROAD • PHONE: OR 3-0436

HOUSTON 28, TEXAS

H. A. HECKMANN, PASTOR  
8402 WOODLYN  
OR 3-3685

C. W. BRUNER, SCHOOL PRINCIPAL  
8718 BANTING  
OR 4-9227

June 24, 1961

|              |   |
|--------------|---|
| Mr. Tolson   |   |
| Mr. Belmont  |   |
| Mr. Mohr     | ✓ |
| Mr. Callahan |   |
| Mr. Conrad   | ✓ |
| Mr. DeLoach  | ✓ |
| Mr. Evans    |   |
| Mr. Malone   |   |
| Mr. Rosen    |   |
| Mr. Sullivan |   |
| Mr. Tavel    |   |
| Mr. Trotter  |   |
| Tele. Room   |   |
| Mr. Ingram   |   |
| Miss Gandy   |   |

*[Signature]*

Mr. J. Edgar Hoover  
FBI Director  
Washington, D C

Dear Mr. Hoover:

*efp* Felix O In yesterday's Houston Chronicle I read of Justice Frankfurter granting a stay to the U S Reds. I think this one of the greatest follies, politcally.

Before I write to Justice Frankfurter though I would ask your opinion in this matter, lest I go off half cocked. Is such a stay a wise move? Your reply to this matter will be deeply appreciated.

My you continue to inspire your fellow Americans with loyalty and devotion to our country as you most certainly have in the past.

Sincerely yours,

*H A Heckmann*  
H A Heckmann

EX-104

JUN 27 1961

ENCLOSURE ATTACHED

REC- 54

62-37356-26

JUN 27 1961

EX 104

CORRESPONDENCE

"A CHANGELESS CHRIST FOR A CHANGING WORLD"

ENCLOSURE

6-30-61  
FCH



51

1

1



62-37356-24

ENCLOSURE

"He that believeth on the SON hath everlasting life; and he that believeth not the Son shall not see life; but the wrath of God abideth on him." John 3:36

We think 100 years a long time. But . . . when we think of ETERNITY 100 years is but a moment.

---

**THE BIBLE SAYS:**

Prepare to meet thy God. Amos 4:12

Choose YOU this day whom you will serve. Joshua 24:15

---

There are only two ways.

Wide is the gate, and broad is the way, that leadeth to destruction.

Matthew 7:13

Strait is the gate, and narrow is the way which leadeth unto life.

Matthew 7:14

---

**JESUS SAID:**

I am the Way, the Truth, and the Life; no man cometh unto the Father but by Me.

John 14:6

St. Stephen Lutheran Church  
8140 East Houston Road  
Houston, Texas

CONCORDIA TRACT MISSION  
Box 201, St. Louis 66, Missouri

62-37356-26

10-285

WHERE  
WILL YOU  
SPEND IT

?

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Mohr

DATE: September 7, 1961

FROM : C. D. DeLoach

SUBJECT: CONGRESSMAN JAMES C. DAVIS (D. - GA.)  
REGARDING 2-23-21 LETTER FROM DIRECTOR TO  
W. L. HURLEY, UNDERSECRETARY OF STATE  
MENTIONING FELIX FRANKFURTER

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Congressman James C. Davis (D. - Ga.), over the years, has been a strong supporter of the FBI.

At 3:30 p.m., 9-6-61, [redacted] to Congressman Davis, telephoned my office and in my absence talked to Wick. She said the Congressman would like to have the FBI obtain and give to Congressman Davis a Photostat of a letter written by Mr. Hoover dated 2-23-21. This letter, she stated, is in National Archives, in Department of State files and was written by Mr. Hoover in 1921 when Special Assistant to the Attorney General and addressed to Mr. W. L. Hurley, the Undersecretary of State. It has to do, she said, with the dissemination of Bolshevik propaganda and names Felix Frankfurter as one of the persons known to be active in the movement. She stated the letter could be found in National Archives in the section captioned "1910-1929" and the decimal number is 861.00-8795.

Wick told her he did not know whether such letter could be made available, he doubted it, but a check would be made.

As you recall, the memorandum from Mr. Jones to me dated 9-5-61 captioned Senator Strom Thurmond related to the same matter wherein [redacted] was said to have directed the letter to Senator Thurmond. [redacted] 7-15-61 enclosing a copy of the 2-23-21 letter by the Director. [redacted] is endeavoring to obtain a Photostat of the original document and wanted the Senator's assistance. Wayne C. Grover, Archivist of the United States, referred the matter to us.

The matter has come up before early this year. It was determined that Harold N. Arrowsmith, Jr., had been searching State Department files in the Archives more than 25 years old, came upon the letter which had not been removed prior to making such files available to Arrowsmith. Archives has denied access to copies of the letter under existing regulations.

- 1 - Mr. Belmont
- 1 - Mr. Sullivan
- 1 - Mr. Jones

162-37356-  
NOT RECORDED  
191 SEP 13 1961  
SEE RECOMMENDATION NEXT PAGE

REW:sak  
(5)

62 SEP 18 1961

4 XEROX  
SEP 13 1961

CRIME RESEARCH

ORIGINAL FILED IN 94-38948-45

b6  
b7c

DeLoach to Mohr 9-7-61  
Re: Congressman James C. Davis (D. - Ga.)  
Re 2-23-21 Letter from Director to  
W. L. Hurley, Undersecretary of State,  
Mentioning Felix Frankfurter

RECOMMENDATION:

That I have Kemper personally call on Congressman Davis with respect to the background of this matter and point out it is not possible to make a Photostat of the letter in question available.

Handled  
9/8 ecta

yes.  
✓

PHN

W

V

TRC

11:21 AM

September 23, 1961

MEMORANDUM FOR MR. TOLSON  
MR. MOHR  
MR. DE LOACH

Honorable Felix Frankfurter, Associate Justice of the Supreme Court, called. He stated he had written me a letter the other day, but he was sure, with my sense of humor, I realized it was just a joke. I stated I did indeed. The Justice stated he had a note that I was sending somebody around to see him. I told the Justice that I could tell him what I wanted to have explained, and possibly save his time.

I stated I have been terribly annoyed at that particular incident and the way it occurred was that back in the 1920's or 1930's, when I was Special Assistant to the Attorney General, that letter was written by an attorney in my division and my name was signed to it, but not by me. I stated I sign my name "J. Edgar Hoover" and this letter was signed "J. E. Hoover," and I had never seen the letter until this "crank" or "fanatic" began writing in demanding confirmation. I stated I have learned that Archives has some of our material and files stored there and this fellow learned of the letter and wanted to get a copy, so Archives contacted me and I said no and that henceforth, our papers were not to be exhibited to the public. I stated it was an erroneous letter and if I had known of it, I would never have signed it. I stated this man has been writing me, that I answered the first one or two, and I told him the files of the Bureau were confidential, but he has persisted in writing to Congressmen and Senators, et cetera, demanding the files be opened, and I have informed each of them as to the background and truth of the matter. I stated that when I received his, the Justice's, letter I knew it was humorous, but I gave orders that I wanted a memorandum prepared and placed with that letter pointing out there is no basis in fact. I stated I had asked one of my people to find a time convenient to the Justice to see him and the Justice could tell his secretary that she need not arrange a time for him to see the Justice. Justice Frankfurter expressed his appreciation.

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

XEROX

J. E. H.

John Edgar Hoover  
Director

SEP 27 1961

REC-9 62-37356-27  
Very truly yours, SEP 26 1961

|                 |         |
|-----------------|---------|
| SENT FROM D. O. |         |
| TIME            | 5:35 PM |
| DATE            | 9-25-61 |
| BY              | W.H.    |

JEH:edm (7)

UNRECORDED COPY FILED IN 66-7255

00-6

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

Supreme Court of the United States  
Washington 25, D.C.  
Sept. 20/61

Dear Mr. Hoover:

I'm glad somebody is "protecting"  
me.

Sincerely yours,

/s/ Felix Frankfurter

COPY:hbb

Mr. Tolson \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Evans \_\_\_\_\_  
Mr. Malone \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Mr. Jones \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Ingram \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

Supreme Court of the United States  
Washington 25, D.C.

Sept. 20/61

Dear Mr. Hoover:

I'm glad somebody  
is "protecting" me.

Sincerely yours,

Felix Frankfurter

*Enc. 6  
Felix Frankfurter  
10/1/61*

62-37356-

NOT RECORDED

46 OCT 31 1961

ENCLOSURE

XEROX  
OCT 31 1961

88 NOV 6 1961

CRIME RESEARCH

ORIGINAL COPY FILED IN 100-376523-9

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. DeLoach

DATE: 10-19-61

FROM : M. Arrowsmith

SUBJECT: RECENT INQUIRIES REGARDING  
LETTER OF 2-23-21 BY DIRECTOR  
MENTIONING JUSTICE FRANKFURTER  
PRESENTLY LOCATED IN U. S. ARCHIVES

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

BACKGROUND:

You will recall that recent inquiries have been received, many of them from Congressmen on constituent matters, dealing with a letter dated 2-23-21 over the signature of J. E. Hoover, then Special Assistant to the Attorney General, to the Department of State. The existence of this letter came to light when it was inadvertently made available to Harold N. Arrowsmith, Jr., while Arrowsmith was perusing State Department documents maintained at the National Archives. The letter in question mentions Felix Frankfurter, now a Supreme Court Justice and Arrowsmith who is a racist and has been described as a psychotic, extremely pro-Nazi and anti-Semitic, has been circulating a copy of the 2-23-21 letter in an attempt to discredit Justice Frankfurter.

Since the above incident, Dr. Robert H. Bahmer, acting archivist of the United States, has denied further access to this document.

In connection with the actual signer of the document in question, the Director has noted: "While letter bears the signature 'J. E. Hoover,' it is not the one used when I personally sign mail. I note it was dictated by 'WWG' the initials of Warren W. Grimes, who was a Bureau supervisor in 1921."

OBSERVATIONS:

As the yellow file copy of the 2-23-21 letter has been obtained from the Department of Justice, it is felt desirable to also obtain the original document so that both may be maintained together in FBI files which would further safeguard its indiscriminate circulation because of the confidential nature of FBI files. In this regard, it is noted that after 25 years, certain documents of such agencies as the Department of State are turned over to the Archives for historical purposes. Consequently, this does not afford adequate protection to documents which originated with the Bureau and directed to other agencies such as the Department of State, even though Archives has advised they will continue to restrict FBI documents regardless of age.

JMM:dgs

(3) XEROX Recommendation Next Page.

15 OCT 30 1961

57 NOV 3 1961

ORIGINAL COPY FILED IN 100-376523-70

162-37356-  
NOT RECORDED  
46 OCT 31 1961



Jones to DeLoach Memo  
RE: Inquiry Regarding  
Letter of 2-23-21 by Director

RECOMMENDATION:

Through high level liaison with the Department of State permission be obtained for retrieving the original of the 2-23-21 letter from the Director to the Department of State which is presently still in the National Archives.

DP

TPM  
Dio/ro

DW

25  
10/23



See Addendum p2



Memorandum to Mr. DeLoach  
RE: RECENT INQUIRIES REGARDING  
LETTER OF 2/23/21 BY DIRECTOR  
MENTIONING JUSTICE FRANKFURTER  
PRESENTLY LOCATED IN U.S. ARCHIVES

ADDENDUM BY DOMESTIC INTELLIGENCE DIVISION: (GAD:mls - 10/23/61)

The Domestic Intelligence Division feels that asking State to retrieve the original letter from Archives and give it to us will only have the effect of calling the letter to the attention of persons at both State and Archives who may not now be aware of it. It is noted that Arrowsmith has circulated the letter rather widely; that Justice Frankfurter himself is apparently aware of the letter; that a firm agreement has been made by Archives to restrict access to all FBI documents, regardless of age; and that securing the original now is locking the barn door much too late. In fact, any Bureau effort to retrieve the original of this document would merely substantiate the charge made in the attached "hate sheet" and would leave the Bureau wide open to unfavorable press attention. It is, therefore, recommended that the Bureau let the letter rest in Archives and make no effort to retrieve it.

*Handwritten notes and signatures:*  
EPC  
JAN 11 1962  
W. J. W. V.  
EPC  
per W. J. W.  
OK  
Roh

August 30, 1962

PERSONAL

Honorable Felix Frankfurter  
Associate Justice  
Supreme Court of the United States  
Washington, D. C.

My dear Mr. Justice:

All of us in the FBI were sorry to learn that the Supreme Court is losing one of its most distinguished members. We realize, however, that your long and dedicated career will serve as an outstanding memorial to you personally and as an inspiration to those who follow you in the legal profession.

I am certain your decision to retire was a most difficult one to make, but I know your friends and admirers over the world will agree that you have earned your leisure. I want to extend my very best wishes to you for all possible success and good health in the future, and I trust you will not hesitate to let me know whenever I can be of any assistance.

Sincerely yours,

J. Edgar Hoover

NOTE: There are numerous references to Frankfurter in file; however, he has not been investigated by the Bureau. In 1961, a furor arose publicly over a letter, dated 2-23-61 and signed "J. E. Hoover," which accused Frankfurter of distributing communist literature. The letter, which originated in the Department, had been declared nonsecret and was released by the National Archives. Frankfurter called the Director on 9-25-61, and was advised the Director had not signed the letter, as he always used "J. Edgar Hoover," and that there was another official in the Department at that time (1921) who signed mail "J. E. Hoover." The Director pointed out he never saw the letter and he had, would never have allowed it to go out. Frankfurter suffered a stroke in April, 1962, and his retirement was announced by the President on 8-29-62.

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OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

MR. TOLSON \_\_\_\_\_  
MR. DELOACH \_\_\_\_\_  
MR. MOHR \_\_\_\_\_  
MR. WICK \_\_\_\_\_  
MR. CASPER \_\_\_\_\_  
MR. CALLAHAN \_\_\_\_\_  
MR. CONRAD \_\_\_\_\_  
MR. FELT \_\_\_\_\_  
MR. GALE \_\_\_\_\_  
MR. ROSEN \_\_\_\_\_  
MR. SULLIVAN \_\_\_\_\_  
MR. TAVEL \_\_\_\_\_  
MR. TROTTER \_\_\_\_\_  
MR. JONES \_\_\_\_\_  
TELE. ROOM \_\_\_\_\_  
MISS HOLMES \_\_\_\_\_  
MRS. METCALF \_\_\_\_\_  
MISS GANDY \_\_\_\_\_

This memorial publication was made possible by  
friends of FELIX Frankfurter.  
Mr. Justice

April, 1966

4 ENCLOSURE

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(Excerpt from "Note to members")

The selection of Professor Fannin at Harvard has called forth a great deal of criticism from men in public affairs, Harvard graduates and others. When he was named for President Wilson's Education Commission in the Henry case, in California, he had the courtesy to try to influence Theodore Roosevelt in the work he was doing in the endeavor to aid money. This does from the correspondence, these Americanism has never been questioned by friend or foe, the following letter, the existence of which few people know:

"I thank you for your frank letter. I answer it at length because you have taken and are taking . . . an attitude which seems to me to be fundamentally that of Trotsky and the other Bolshevik leaders in Russia; an attitude which may be fraught with mischief to this country.

"As for the conduct of the trial, it seems to me that Judge Dunn's statement which I quoted in my published letter covers it. I have not been able to find anyone who seriously questions Mr. Dunn's character, judicial fitness and ability, or standing. Moreover, it seems to me that your own letter makes it perfectly plain that the movement for the recall of Vickers was due primarily, not in the least to any real or general feeling as to the alleged short-comings on his part, but to what I can only call the Bolshevik sentiment. The other accusations against him were mere camouflage. The recall was made upon him because he had attacked the notorious element, the dynamite and anarchy group of labor agitators. The movement against him was essentially similar to movements on behalf of the suffragans, and on behalf of Meyer and Haywood. Some of the correspondents who attacked me frankly stated that they were for Henry and Billings just as they had been for the suffragans and for Meyer and Haywood. In view of Judge Dunn's statement it is perfectly clear that even if Judge Dunn is in error in his belief as to the trial being straight and proper, it was an error into which entirely honest men could fall.

"But the question of granting a re-trial is one thing. The question of the recall is entirely distinct. Even if a re-trial were proper this would not in the least justify a recall - any more than a single grave error on your part would justify your impeachment, or the impeachment of President Wilson for appointing you. President Wilson and the U. S. C. and the direct action anarchists and apologists for anarchy are never concerned for justice. They are concerned solely in seeing one kind of criminal escape justice, precisely as certain big business men have in the past been concerned in seeing another kind of criminal escape justice. The guiding spirit in the movement for the recall of Vickers cared not a rap whether or not Henry and Billings were guilty; probably they believed them guilty; all they were concerned with was seeing a rebate administered to, and an evil lesson taught all public officials who might take action against crimes of violence committed by anarchists in the name of some real and violent protest against social conditions. Murder is murder, and it is rather more evil than committed in the name of a pro-fessed social movement. It was no mere accident, it was the natural sequence of cause and effect that the agitation for the recall of Vickers, because he fearlessly presented the dynamiters (and of course no known being capable

IN THE SENATE OF THE UNITED STATES,  
BEFORE THE SENATE COMMITTEE ON THE JUDICIARY.

In the matter of the  
nomination of  
John Frankfurter as a Member of the  
Supreme Court of the United States.

STATEMENT OF GEORGE E. SULLIVAN, LAWYER, AND ANTI-SUB-  
VERSIVE AUTHOR AND WRITER, OPPOSING CONFIRMATION BY THE SENATE.

The grave reasons standing in the way of confirmation of this nomination may be briefly stated.

I.

ALIEN-BORN.

Every member of the Supreme Court of the United States, from its beginning, has been a native-born citizen, with a single exception, and that exception, former Justice Sutherland, came from the Mother Country which also gave birth to our Bill of Rights. Continental Europe, where registration ideas usually predominate, has never been permitted to furnish a single member of our Supreme Court.

The reason for the general policy excluding alien-born persons from membership on the Supreme Court is obvious. That Court may actually (if not legally) exercise more power for the weal or woe of our Republic than the President of the United States and all other depositories of power in the Federal Government combined, and a single vote in said Court may decide the fate of the Republic. Consequently, the purpose of the absolute constitutional bar expressly imposed against an alien-born person becoming President of the United States, is truly awakening as to the even greater necessity for a like exclusion in the membership of the Supreme Court.

Surely, there is nothing in the Constitution prohibiting a general policy excluding alien-born persons from the Supreme Court. If an exception is ever made in favor of an alien-born person from Continental Europe, it certainly ought not to be during a special period of world unrest, like the present, when the subversive forces of internationalism are engaged in insidious maneuvers to destroy our Republic.

According to "Who's Who in America" and "Who's Who in American Jewry", Mr. Frankfurter was born Nov. 15, 1882 in Vienna, Austria.

II.

ALIEN-MINDED AFFILIATIONS.

Mr. Frankfurter's alien-minded affiliations do not inspire confidence in him as fit to be an American official of any kind, much less a member of our highest

Judicial Tribunal. Before 1921, Frankfurter was serving as a member of the National Committee of the so-called American Civil Liberties Union, which Union has been largely engaged in defending as so-called civil rights activities urging the "overthrow of the government by force or violence". (Vol. II, pp. 1923-1929, Report of Joint Legislative Committee of the State of New York Investigating Subversive Activities, published in 1920). Frankfurter's espousal of such undeniably un-American proposition accords with his willingness to have as collaborators on such National Committee a number of notorious Reds, including William S. Foster, Communist Candidate for President of the United States, who brazenly declared in his 1928 Acceptance Speech:

"When a communist heads a government in the United States--and that day will come as surely as the sun rises--that government will not be a capitalistic government but a soviet government, and behind this government will stand the Red Army."

Some of such notorious personages have also served with Frankfurter in other groups formed for alien-minded purposes, including International Committee for Political Prisoners. When Frankfurter deliberately shows such alien-minded affiliations, he, of course, subjected himself to the rational and unerring maxim,--"A man must be judged by the company he keeps", and "Birds of a feather flock together".

How can such a person aspire to membership on the Supreme Court of the United States? Are his standards so lacking or twisted that he fails to comprehend that a member of the Supreme Court must be above suspicion of the slightest kind of character? Does he think that those who have taken oaths to support the Constitution of the United States regard those oaths so lightly that they are willing to jeopardize our Republic by putting on the Supreme Court a person not shown to be altogether above suspicion?

### III.

#### HIS OWN ALIEN-MINDEDNESS.

Fundamental Americanism upholds at all times law and order, and, consequently, has no possible place for "irregular oppositions" to governmental authority, such as advocacy of "overthrow of the government by force or violence". Washington emphatically so declared in his Farewell Address. The Supreme Court of the United States also so declared in *Gitlow v. New York*, 268 U. S. 652 (decided in 1925), refusing to protect as "freedom" communist advocacy of violent overthrow of organized government, the Court saying:

"That utterances inciting to the overthrow of organized government by unlawful means present a sufficient danger of substantial evil to bring their punishment within the range of legislative discretion is clear. Such utterances, by their very nature, involve danger to the public peace and to the security of the state. They threaten breaches of the peace and ultimate revolution. And the immediate danger is none the less real and substantial because the effect of a given utterance cannot be accurately foreseen. The state cannot reasonably be required to measure the danger from every such utterance in the nice balance of a jeweler's scale. A single revolutionary spark may kindle a fire that, smoldering for a time, may burst into a sweeping and destructive conflagration. It cannot be said



that the state is acting arbitrarily or unreasonably when, in the exercise of its judgment as to the measures necessary to protect the public peace and safety, it seeks to extinguish the spark without waiting until it has enkindled the flame or blazed into the conflagration. It cannot reasonably be required to defer the adoption of measures for its own peace and safety until the revolutionary utterances lead to actual disturbances of the public peace or imminent and immediate danger of its own destruction; but it may, in the exercise of its judgment, suppress the threatened danger in its incipency." (p. 449)

How long could any government endure, if a contrary ruling were made by its highest judicial tribunal? And yet both Holmes and Brandeis recorded their dissents in the *Citlow* case, and Frankfurter, whose views have been widely proclaimed as in accord with the Holmes-Brandeis tradition has made plain that his own view, in this immediate connection, is the same as theirs, by the following assertion, in one of the principal leaflets of the American Civil Liberties Union, called "Civil Liberty", with Frankfurter's name carried as a member of its "National Committee".--

"Laws purporting to prevent the advocacy of the 'overthrow of the government by force or violence' are all violations of the right of free speech." (Vol. II, p. 1985, Report of Joint Legislative Committee of the State of New York Investigating Seditious Activities, published in 1930).

How much dependence can be placed in an oath to support our Constitution when taken by a person whose mentality or morality is so twisted that he respects as "freedom" advocacy of overthrow of the government by force or violence? He necessarily knows that subversive forces always contrive to take their victims by surprise, and that, consequently, a recognition of such pretended freedom would constitute a withdrawal of all practical defense of our Republic against the enemies within the gate.

Frankfurter's obvious disregard of fundamental Americanism back in 1917 caused Theodore Roosevelt to write Frankfurter on December 19, 1917--

"You have taken, and are taking, on behalf of the administration an attitude which seems to me to be fundamentally that of Trotsky and the other Bolshevik leaders in Russia; an attitude which may be fraught with mischief to this country"; (Introduced into the Congressional Record, May 12, 1930, by Senator Walsh of Massachusetts).

A very recent Associated Press Despatch published January 6, 1939, asserts:

"A third of the court, with Dr. Frankfurter's confirmation, will be remoulded to exert an influence on its constitutional constructions, long after President Roosevelt leaves office."

In view of his record, what good influence on constitutional constructions could be expected of Frankfurter? It is hardly reasonable to expect that he would respect the Constitution as the Written Bible of the American Republic with fixed meaning to its terms and provisions, and which (as the Father of our Country declared)--

"until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all." (Washington's Farewell Address).

Of what does his heralded "liberalism" consist? Is he liberal toward the enemies of our Republic, or liberal toward the defense of our Republic against its enemies? Liberal toward "change by usurpation" (against which the Father of our Country gave solemn warning), or liberal in taking every precaution against any such usurpation? In other words, does he regard the Federal Constitution as one prescribing limited and defined powers unchangeable by the Supreme Court, and changeable only by an explicit and authentic act of the whole people in the mode prescribed in the Constitution itself? Or does he contend that the Supreme Court requires a group of men adequately equipped "to wield the people's power" and that "the Supreme Court is the Constitution", as boldly declared by him in the May 1930 issue of "Current History" published by the "New York Times"?

With his undeniable record would it not be a plain insult to the intelligence of the American people to now seek, or obtain, from Frankfurter assurances that his views and attitudes have ceased to be alien-minded and become Americanized? Obviously, it could furnish no protection any more than would his lip-service to an oath to support the Constitution in view of his record.

The real question is, whether loyal Americans are willing to accept Frankfurter, and his group, as New Fathers of our Country, in the place and stead of George Washington? The soundness of George Washington's warning, that the Written Word in our Constitution, which is the Bible of our Republic, should not be altered or varied by so-called construction, constituting change by usurpation, is apparent to all sound-thinking persons. In fact, Washington was, in effect, reiterating a stellar warning given by Christ to a group of Jews called Pharisees on account of their presumptuous attempts to alter or vary the Written Word of God:

"Why do you also transgress the Commandment of God for your tradition?" (St. Matthew, Ch. 15, v. 3).

#### IV.

#### FRANKFURTER'S APPOINTMENT WOULD HARM OUR JEWISH AMERICANS.

Frankfurter's appointment is being heralded in press propaganda as constituting "a new protest against racial intolerance", when, in truth and in fact, it could very greatly promote racial intolerance, by making our other loyal citizens believe that Frankfurter typifies Jewish Americans generally.

Something must be done to protect, against misrepresentation, our loyal Jewish Americans, who are devoted to the principles of the American Republic, and are always ready to sacrifice their lives,--as many of them have frequently done,--in defense of our Republic. They are not merely Jews in America, but loyal Americans. Jewish Internationalism seeking either special benefits or world domination, has no appeal to them. They do not claim to be homeless. They recognize their homes to be, and also their undivided loyalties, in the American Republic.

A large group of alien-minded Jews, however, constantly seeks to make the public believe that all Jews belong to a distinct nationality extending throughout the world, and constitutes "a world community". Louis D. Brandeis has proclaimed, in his book "The Jewish Problem--How to Solve It",--

inquiries investigating seditious activities.

In closing my testimony, I would like to call this Committee's attention to the fact that when Mr. Frankfurter in 1932 was appointed by Governor Kiy as Judge of the Supreme Judicial Court of Massachusetts, the protests were so vigorous and widespread in a section of the country where he was best known, that on the eve of the public hearing regarding his appointment, Mr. Frankfurter withdrew his name, thereby putting an end to the public hearing.

The facilities of an individual to make a complete report regarding Mr. Frankfurter of course are extremely limited, but as this Committee has granted my request to be heard in opposition to the confirmation, I trust I have given you information of a nature that should cause this Committee to make a very thorough investigation before taking any action. Haste in confirming the appointment of Mr. Frankfurter to the Supreme Court may establish a dangerous precedent.

I ask this question: Can we trust a member of the Supreme Court who has championed unAmerican ideas of collectivism and who has been associated with an organization widely condemned for its unAmerican activities to uphold the letter and the spirit of the Constitution against all its enemies and in particular to pass on the constitutionality of cases now on their way to the Supreme Court in which subversive groups are vitally interested.

I will await the decision of this Committee with great interest.

John B. Saxe

New York, N. Y.

*Frankfurter*

### AND THROUGH ROOSEVELT A "RED BAITER"

If an ordinary person could voice today the charges the former President, Theodore Roosevelt, made a few months before his death, in reply to a letter from Felix Frankfurter, recently appointed by President Franklin D. Roosevelt to the highest tribunal in our land - the Supreme Court, that person could immediately be labeled a "red baiter" and an "anti-Semite". Such accusations if made against Teddy Roosevelt at the time his charges were made would have caused a volcanic eruption. As far as we know, even Frankfurter swallowed Teddy's snoring without a shiver.

Felix Frankfurter had written to Teddy in behalf of several anarchists. Frankfurter, it appears, is accustomed to playing with ultra-radicals in our country, and prides himself on being a member of the National Committee of the (red defending) American Civil Liberties Union. His letter brought from Teddy a denunciation <sup>from</sup> which, it is said, Frankfurter has not yet recovered. In the letter, Teddy said, in part:

"I answer in detail at length because you have taken, and are taking, on behalf of the administration the attitude which seems to me to be fundamentally that of 'Roosevelt and the other 'old-time' leaders in Russia as well as which may be brought with mischief to this country. . ."

### THEIR FRANKFURTER'S REPORT MISLEADING

Teddy Roosevelt called Frankfurter's attention to the fact that members of the I. O. . . and "direct action anarchists" for whom Frankfurter was interceding, were "never concerned for justice". He told Frankfurter that "these are the Bolsheviks of America"; and "your report is as thoroughly a misleading document as could be written on the subject". To official, writing in behalf of the President, is to be censured for failure to know and clearly set forth that the I. O. . . is a criminal organization."

- 2 -

Frankfurter, as understood, was attempting to help the anarchists Minsky and others to obtain their freedom from prison. Today further stated: "You are engaged in carrying men precisely like the Bolsheviks in Russia, who are murderers and the encourage of murder, who are traitors to their allies, to democracy and to civilization, as well as to the United States."

Statement of Elisabeth Dilling made before  
the Senate Committee, January 11, 1939, in  
Opposition to Confirmation by the Senate of  
the Appointment of Felix Frankfurter to the  
Supreme Court Bench.

In my belief, the fate of our nation now rests largely in the hands of those sound legislators of the Democratic Party who will place their allegiance to American principles first and ahead of loyalty to Party label or control, and who will thus prevent their Party from being further discredited by their enforced support of communistic legislation and appointments.

I came before the Senate Committee to protest the appointment of Felix Frankfurter to the Supreme Court Bench as an American citizen who has devoted over seven years of time and thousands of dollars of my own money to studying and exposing the open and camouflaged Red propaganda aimed at undermining our form of government.

I am the author of a book "The Red Network" published in 1934 at my own expense, which is recommended by the Army and Navy Register, The American Coalition of Patriotic Societies, The National Sojourners, a society for Army and Navy officers; by the National Americanism Chairmen of the American Legation, past and present, and countless patriotic leaders. Not only has not one fact in The Red Network never been disproved by anyone, but in the only court case in which The Red Network has ever figured, it was used as a basis for barring the American Civil Liberties Union, of which Felix Frankfurter is and has long been a leader and national committeeman, from using the public school auditorium in San Diego. After representatives of the national committee of the American Civil Liberties Union, in nearly a month in court, were unable to discredit a line in The Red Network, it was admitted by the Judge in evidence and the American Civil Liberties Union was barred from use of the public school auditorium as a "seditious organization." (Case No. 79805, Dept. 6 of the Superior Court of

Billings and Hickey were in some shape or other privy to the outrage) should have been accompanied by the opposite outrage of the governor's mansion. The reactionaries have in the past been a great menace to this Republic, but at this moment it is the I. O. O., the Communized Socialists, the anarchists, the Social creatures who always protest against the suppression of crime, the pacifists and the like, under the lead of the Harbois and Le Follette, and Rogers, and Billings, the Fremont class and Anna Wincheta and Ralph Sproule who are the really grave danger. These are the Bolsheviks of America, and the Bolsheviks are just as bad as the Romanoffs, and are at the moment a greater menace to orderly freedom. Subespierre and Danton and Robespierre were just as evil as the worst tyrants of the old regime, and from 1791 to 1794 they were the most dangerous enemies to liberty that the world contained. When you as representing President Wilson, find yourself obliged to champion one of this stamp you ought, by unequivocal affirmative action, to make it evident that you are sternly against their general and habitual line of conduct.

I have just received your report on the Hickey deportation. One of the prominent leaders in that deportation was my old friend Jack Greenway, who has just been condemned a major in the Army by President Wilson. Your report is as thoroughly outstanding a document as could be written on the subject. An official writing on behalf of the President is to be censured for failure to know, and clearly to set forth that the I. O. O. is a criminal organization. To ignore the fact that a movement such as its members made into Hickey is made with criminal intent is precisely as foolish as for a New York politician to ignore the fact that when the Igo gang assembles with guns and knives it is with criminal intent. The President is not to be censured if he ignores this fact, for of course he knows all about it. No human being in his senses doubts that the men deported from Hickey were bent on destruction and murder. If the President through you or anyone else had any right to look into the matter, this very fact shows that he had been misled in his choice only to provide against the very real danger in evidence. Men as efficient as are employed to guard houses, airports and well behaved citizens from the most heinous kind of lawlessness it is inevitable that these citizens shall try to protect themselves. That is as true when the President fails to do his duty about the I. O. O. as when the police fail to do their duty about gangs like the Igo gang; and when, either the President or the police, personally or by representative, rebuke the men who defend themselves from criminal assaults, it is necessary sharply to point out that for heavier class offences to the authorities who fail to give the needed protection, and to the investigators who fail to point out the criminal character of the anarchistic organization against which the decent citizens have taken action.

There again you are engaged in attacking men precisely like the Bolsheviks in Russia, who are murderers and encourage of murder, who are traitors to their allies, to democracy and to civilization, as well as to the United States, and whose acts are nevertheless justified for on grounds, my dear Mr. Frankfurter, substantially like those which you allege. In times of danger nothing is more common and nothing more dangerous to the Republic than for you to avoid condemning the criminals who are really public enemies by making their entire conduct on the short-charges of the good citizens who have been the victims or opponents of the criminals. This can be done only by Danton and Robespierre, but by many of this order only honest condemnation in connection with, for instance, the "Haymarket massacre." It is no kind of thing to care to see well meaning men go to jail in this country.

Sincerely yours,

Woodrow Wilson.

predict that his weight as a justice would be thrown on the side of ample scope for the making of such adjustments as the legislative power seems to require.

THE JUSTICE my well-wisher has a man whose heart is as ardently on the side of reviving doubts in favor of the power to govern all stand on civil liberties for the individual. Frankfurter's indignation at the case of the *United States v. Pizarro* and *United States v. Pizarro* makes it plain that he is not without regard for the life of individuals, at least in as far as unjust criminal proceedings are concerned. In "The Public and Its Government," Frankfurter discusses proposals to curtail the rights of individuals to trial by jury and the privilege against self-incrimination. "We are doomed to deep disappointment," he wrote, "if we rest on the belief that earliest experimentation in these matters is no longer relevant and lacks substantial direction in order by departing from the procedural vision of the Bill of Rights."

And in his book on Oliver, Frankfurter accepts the late justice's view that when it comes to restrictions upon speech, opinion and the "free play of the intellect," the opportunities for legislatures to "experiment" might well be subject to closer scrutiny than in legislation dealing with economic organization and interests. So sure as inconsistency in this attitude, for "there is an unbroken unity between fear of simpler experimentation in economic and fear of experiment in intellectual life."

It is no "criticism" in the Fallows evening-even comes who will sit on the Supreme bench if Mr. Roosevelt appoints Frankfurter. Indeed, none of the more certain law scholars regard Frankfurter as just the least bit stuffy. He is a thorough student of the Supreme Court's business and history and has great respect for its integrity, as one shows by his failure to support Mr. Brandeis's motion of "refusing" it. The greater appreciation which was finally accorded the late Chief Justice left no question by Frankfurter's estimate of him in "The Business of the Supreme Court." His regard for the court is so high that in his view service on that bench calls for "citizenship--the gifts of mind and character and the rule of law."

From the *Washington Post*  
October 2, 1938.



"Let us all recognize that we Jews are a distinct nationality of which every Jew, whatever his country, his station or shade of belief is necessarily a member." (p. 25)

"Organize, Organize, Organize,--until every Jew in America must stand up and be counted--counted with us--or prove himself, wittingly or unwittingly, of the few who are against their own people." (p.26).

It is difficult to understand how such views and attitudes can be reconciled with the impartial duties of a member of the Supreme Court! Moreover, in a leaflet, recently issued by the Anti-Defamation League of the Jewish organization B'Nai B'Rith, and known as Fireside Discussion Group Leaflet No. VII, it is asserted--

"Approximately a race, definitely a type, and consciously a unity, we are an historic people--a world community." (p.3).

The same group of alien-minded, or international, Jews was, obviously, responsible for a so-called world-wide poll of Jewish Communities during 1937, with the announced result carried in Associated Press Despatch of Sept. 24, 1937 (published in New York Times of Sept. 25, 1937) that Max Litvinoff, U.S.S.R. Commissioner of Foreign Affairs, and Prof. Felix Frankfurter, had been elected to the "Jewish Hall of Fame" among the "120 greatest living Jews" held up as "living ideals" to Jewish youth. Obviously, no American-minded group of Jews or non-Jews could ever have been induced to hold Red Litvinoff up as a "living ideal" to any youth. Moreover, the action of a group which so holds up Litvinoff, and also Frankfurter at the same time, should make everyone possessing a grain of intelligence demand to know why Frankfurter did not register some protest, at least in the interest of Jewish youth, if not on his own account. If Litvinoff and Frankfurter belong in the same group, surely neither of them belongs on our Supreme Court.

Surely, no Senator can justify a failure to actively oppose the confirmation of Frankfurter's nomination, which should be indignantly and unanimously rejected.

#### V.

#### CONCLUSION

In conclusion, I merely want to say that on October 20, 1932 I took an oath, as a member of the Bar, to "support the Constitution of the United States". I have always regarded this obligation as real and sacred, not merely formal. My appearance before the Senate Committee has been pursuant to what I regard as my obligation in such behalf.

I feel sure that many members of the Bar throughout the Nation could have taken like action, had it not been for two things (a) failure of the press of the country to acquaint the Bar generally with the matters to which I have called attention, and (b) recent press propaganda seeking to convince everyone that it is useless to protest, because it will receive only "routine" consideration, and that confirmation is inevitable. The last-named press propaganda ought to be dealt with as a contempt committed against the Senate of the United States.



\_\_\_\_\_

**Keywords:**

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2002 10/25/2002 10/25/2002

January 6, 1959

the same 1917 Congresses have come and Congressmen have gone, and Senators have come and gone since the Chamber as it was used so many years ago. Speakers of the House have also come and also gone with recollections of terrible confusion, horrible chaotic conditions, terrible strains on the nervous system and recollections and nightmares of disorder and unrelieved monotony. Speakers have suffered terribly from nervous shock as the result of failure to bring quiet and order. The business of the great men has come long and hard in the halls of our beloved Speakers. Visitors from all over the world have visited the House gallery as the guests of members. They have gone home with unpleasant impressions of a House of gentlemen in confusion. They have left bewildered because of the crimes they witnessed from these galleries. They went home with entirely the wrong impression of a law-making body of gentlemen at work.

During many sessions a great part of the speaker's time was taken up by pointing the pencil, endeavoring to bring order to the chaos, and trying members who talked aimlessly and interfered with the business being transacted by the House to leave the Chamber and converse in the lobby. All of this confusion tended to irritate the patients, the nurses, and trouble not only of the speaker but also those members who were serious in the efforts to participate in the business as being transacted. These conditions existed not only in our great Chamber but also in other chambers where broad-

Thus married on and off over the world instantly took advantage of modern science and brought comfort and even convenience to those who ~~are~~ <sup>are</sup> in love or well and to those whose ~~when~~ <sup>when</sup> are not so strong as the ~~value~~ <sup>value</sup> of others. Thus came the modern public-address mechanism which is so indispensable to these modern days.

A year ago our general disinterested Member with other disinterested gentlemen began studying the possibilities of better equipment, and our Architect did considerable experimenting and investigating, with the result that the system which is now installed in the House has given a trial. With more adjustments and experimentation, it is believed that it will become perfect and will bring more dignity to the House, and perhaps giving the health of some of our Members, and certainly will facilitate the transaction of the important business which this Chamber must conduct.

To take advantage of this modern voice mechanism of the theatre has meant progress with more dispatch and efficiency in my own field. This is not a broadcasting system. The voice reaches only the audience of this Chamber. I call attention to all members who have just finished their speeches and ask them to reach the members of the first speaker again, whose report used in making it possible for their constituents to know what they had to say. Most of you have long ago learned how to speak into the microphones of your first-speaking systems. The system in this Chamber is no different. Microphones are placed at various stations—some at the speaker's table, one in front of the reading clerk, two in the well of the House, and one each at the desks of the majority and minority floor leaders. The voice comes through the podium which you are directly over the well. An operator is located in the gallery with a controlling apparatus which he adjusts to send the various voices which come into the various microphones. It is all very simple. The adjustment is so made as to make the voice natural, and all microphones stand on a continuum so to make it practically a natural voice. Some may decide not to use the microphone. That is a matter of choice. Those who believe they cannot are told enough so that they can be easily heard may or may not use these microphones. It is just a matter of whether a Member wants to be heard or not. It is no longer necessary to strain the throat muscles. All that is necessary is to speak in a normal tone of voice. The operator who will have charge of the set will soon learn the inflection, quality, volume, and tone of each voice and adjust the system that each word should be heard in the remotest corner of this Chamber. Certainly our distinguished speaker need no longer feel that he will not be heard. Certainly his voice will be heard and dignified and measured will prevail in this House.

Both ends will be more rapid, resulting there will have less difficulty in the transmission of messages to members. Speakers will have less difficulty in hearing conversations in the great gallery and no longer have to wait, the better to hear and visitors to galleries will go back home with more complete thoughts and feelings that the United States House of Representatives really transmits business in orderly and serious manner.

There are great possibilities for the public address system. You will recall that many years ago the President of the United States when he speaks in this State cannot be heard in the back seats nor in the galleries. Nowadays the Chief Executive and other speakers tell many times as much more than they.

I have been asked if this speaking system can be constructed so as to connect it with other offices. To this the reply is "Yes." The manufacturers are authorized.

Because of my interest in this new system and because of my enthusiasm in aiding the families and others who are endeavoring so hard to bring more dignity and decency to

## Felix Frankfurter

"The Man Behind the Men Behind the President of the United States."

"BRAINY — and plain that — savvy. That is a two-word picture of Felix Frankfurter, Distinguished Professor of Administrative Law at Harvard Law School, the man behind the men behind the President of the United States."

This is the opening paragraph of a thumbnail sketch in the March 1944 number of the "American Magazine," which goes on to say:

"It is said in Washington that you can't go around a corner without running smack into Frankfurter taught bright young men. They are the former pupils of the square-jawed, quick-as-a-trigger Doctor of Laws.

"He has been for a long time on very close terms with President Roosevelt. Backed him during his governorship and worked with him during his Presidential campaign. A noted liberal on domestic affairs and referred to as 'slightly left-wing' in the legal school of thought.

"Some time ago he threw himself full-length into the fight for Sacco and Vanzetti. Before that, but with equal fervor interest, he helped the cause of Murray and Gallagher in California. He has a prodigious memory and a vitality of intellect that amazes his friends.

"At present he is the George Eastman visiting professor at Oxford, England — but it is whispered in high places that his brain is still working for his friend in the White House."

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Both "Who's Who in America" and "Who's Who in American History" list him, a composite biography reading thus:

*Frankfurter, Felix*, professor of law; born Vienna, Austria, Nov. 15, 1883; son of Leopold and Emma (Winter) Frankfurter; brought to U.S., 1894; A.B. College of the City of New York, 1902; LL.B. Harvard, 1906; married Marion A. Demmon of Longmeadow, Mass., Dec. 20, 1919. Admitted to Bar, 1905; Asst. U.S. Atty., Southern Dist. of N.Y., 1906-10; with firm of Winthrop & Stimson, N.Y. City, 1909-10; special ass. to Atty. Gen. 1910-11; law officer Bureau of Insular Affairs, 1911-14; prof. law, Harvard Law School; maj. and judge advocate, O.R.C.U.S.A.; ass. to Sec. of War, sec. and counsel to the President's Mediation Commission; ass. to Sec. of Labor; chmn. War Labor Policy Board, June 1918. During *Bruden-Mark* leadership of *American Zionist Organization*, active in its councils and in representing *Zionist cause before the Peace Conference at Paris, 1919*. *Author*: Cases Under the Interstate Commerce Act, 1914 and 1922; with *Roscoe Pound*, editor of "Cleveland Survey of Criminal Justice," 1922; *The Case of Sacco and Vanzetti*, 1927; *The Business of the Supreme Court* (with James M. Landis), 1928; *The Labor Injunction* (with Nathan Greene), 1930; Cases on Federal Jurisdiction (with Wilber G. Katz), 1931; Cases on Administrative Law (with J. Forrester Davison), 1931; "Mr. Justice Brandeis," 1932. George Eastman visiting professor, Oxford University, 1933-34. *Home*: Cambridge, Mass.

We have thought best to present the career of *Felix Frankfurter* as it appears in its public biographical aspect, based upon data furnished by himself to the respective publishers. But to really understand his personality and the political and economic activities that he motivates, we must read between the lines, and find the key in his writings and his comradeships and personal associations.

In passing, let us note that his antecedents and cultural background have been almost wholly international and European. His patronym suggests that his immediate ancestors came from the *Judeogalilean Frankfort-on-Main*, the Ghetto which produced *Amichel Mayer*, who founded the banking house of *Rothschild*, and the late *Jacob Schiff*, of the banking firm of *Kuhn, Loeb & Company*, who is reputed to have financed the *Bolshevik Revolution of Lenin and Trotsky*.

Coming as an immigrant boy to New York at the age of 12, he received his education in the New York schools and finished off in the advanced high school of that city, the College of the City of New York. He completed his legal education at Harvard, during the period, when it was dominated by the altruistic-minded Dr. Eliot. One of his earliest

legal connections was with the firm of Winthrop & Stimson of New York City, the junior member of which was none other than *Henry Louis Stimson*, who as Secretary of State in President Hoover's cabinet, committed the United States to many disastrous foreign policies, contrary to the Republican party policy as outlined in its platform.

Let us ponder this connection, as it is only by checking on such alliances that straddle party lines, that the spine of the disastrous foreign policies may be traced. Stimson, student of Harvard Law School in 1899 and 1900, is appointed to the post of U.S. Attorney for Southern District of New York, by President Theodore Roosevelt in 1906. He chooses as his assistant attorney, *Felix Frankfurter*, who remains with his chief to the duration of his term in 1909. Then President Taft makes Stimson detached candidate for Governor of New York State, Secretary of War (May 1911-March 3, 1913). *Frankfurter* follows him into the War Department, being appointed by Stimson to the post of law officer in the Bureau of Insular Affairs in 1911, and retaining this post until 1914, in the Wilson administration. This left him "setting pretty" at the outbreak of the World War, a key man at a crucial time in world and national affairs.

*Newton Baker*, President Wilson's pacifistic Secretary of War, whom the D.A.R. officially censured for his disloyal remarks in praise of the Mexican bandit, *Pancho Villa*, brought *Frankfurter* back to Washington as his assistant; he was secretary and counsel to the President's Mediation Commission. Later, he was made assistant to the Secretary of Labor, and chairman of the War Labor Policy Board, positions of great responsibility and importance in handling details of our war program, during a period when the international trades and swaps were being made preliminary to the scuttling of the *Hohenzoferen-Hausburg* ship of state.

In "Fortune" Magazine for January, 1936, is a fulsome eulogy of *Prof. Frankfurter* from which we shall have occasion to quote further on. Probably because it is a smooth "build up" for the Harvard professor, it was read into the *Congressional Record* of January 30, 1936 at request of "left wing" Senator Robert M. La Follette, Jr. of Wisconsin. From this article we glean something of Felix's war-time association. It says that he was an occupant of the "House of Truth" on Somerset Street, Washington, where he shared quarters with "Robert G. Valentine" who had been Indian Commissioner under Taft; *Loring C. Christie* later legal adviser to the Canadian Prime Minister; and *Lord Easton Percy* of the British Embassy, (later) a member of the Baldwin Cabinet.

The period immediately after the Armistice, found him defensively acting the role of internationalist, representing the *Zionist organization* before the Peace Conference in Paris, 1919 urging the establishment of

a home land for the Jews in Palestine, and "minority representation" in all governments signatory to the Versailles treaty.

The reader will may ask, how a man of foreign birth and cultural background, advocating the principle of "extra-territoriality," and committed to the policy of building up an autonomous homeland for his own race, may be an unprejudiced champion of American national policies. The answer is plain — he just isn't.

Elbowing, strong-arming, chiseling (to use a term classified by recent executive usage) his way into the inner circles of government, never by election by citizen suffrage, but always by appointment, through some political barter, *Frankfurter* is a symbol of what we should avoid in choosing our American mouthpieces.

Avadious characters of the *Frankfurter* pattern have no regard for ethics. They "dare and dare and dare" ("Toujours de l'audace" as *Alger* phrased it). For a time they "get away with it," their dared opponents mistaking their "cruel" for courage; but eventually they overreach themselves by their own conceit. They seem oblivious of the fact that thinking people will measure them by the homely old adage: "Actions speak more loudly than words" and "A man is judged by the company he keeps."

It is very illuminating to note that Felix Frankfurter occasionally uses an alias. Halderman Julius in his full page Star booklets ad sheet says:

"W. P. Norwin is a pen-name of a prominent Harvard professor writing on Sacco-Vanzetti."

The Industrial Defense Assoc., Inc., 7 Water St., Boston, Mass. in a Bulletin issued in November, 1926, lists a few of the subversive activities with which Felix Frankfurter is associated.

Member of the Advisory Committee of the Social Workers Educational Bureau of America.

Counsel for the Blumsey whitewashing commission and one of the self-styled National Popular Government League gotten up in the interests of Louis F. Post and the Communist-anarchist crowd, who are trying to overthrow our government.

Member of the National Committee of the American Civil Liberties Union.

Member of Citizen's Committee under whose auspices a free speech meeting was held.

Member of National Popular Government League.

Member of the General Administrative Council of the American Association for Labor Legislation—1925.

Member of National Committee of Foreign Policy Association. Shown up in Blumsey's article in Congressional Record of Jan.

4th, 1926;

Endorsed the American Committee for Relief of Russian Children; Denounced by ex-President Theodore Roosevelt for his I. W. W. Report;

Is one of the Labor Education Bureau crowd under James H. Maurer;

The "Boston Post" of Feb. 11th, 1926, speaks of Frankfurter, Lawrence G. Brown "and others prominent in the Free Speech League," as (1) Brown and Frankfurter, and possibly Roger Childers were in this League.

To this arrangement might be added some other names, viz:

Felix Frankfurter was a member of the International Committee for Political Prisoners; member of the National Advisory Committee of the Sacco-Vanzetti Defense Committee; member of Committee on Labor Relations with Latin America, speaker for the Communist Front, N. J. strikers; defended Sacco and Vanzetti in an article in "Atlantic Monthly," March 1927, reprinted in a book by Little, Brown and Company (which we will analyze in its respective place), opposed to all labor injunctions.

In reference to the last item, it is interesting to note that the American Civil Liberties Union has found the distribution of the book "The Labor Injunction" by Prof. Felix Frankfurter and Nathan Greene, a rich source of revenue, propagandizing and being paid for it. It is published by the Macmillan Company, and is intended as a handbook for those who desire to use our legal machinery to the evasion of legal penalties.

The book was reviewed in the "New York Times" book review of Feb. 2, 1930:

"It was in May, 1895, that the Supreme Court of the United States passed for the first time on the scope and validity of an injunction in a labor controversy. And so was started one of the most hotly contested conflicts in the history of American labor that has influenced politics as well as labor and has evolved a complicated legal development whose story is told in this study volume by Felix Frankfurter, Professor of Administrative Law in Harvard University, and Nathan Greene of the New York bar. They deal with it comprehensively beginning with the earliest appearance of labor organizations in law, and tracing the gradual outlining in legal procedure of the allowable area of economic conflict, noting the origin of the injunction and its application to labor disputes. But the chief purpose of the authors is to show the labor injunction in action, the grounds that must underlie it, the procedures by which it must be applied, the scope of its power, the pro-

...based by it, the legal constraints upon its action, the nature of judicial intervention and the procedures by which its functions are exercised."

Arthur Garfield Hays, whose legal activity in behalf of the Spanish workers and other communist-inspired agitators engineered by the American Civil Liberties Union, gives him a personal interest in the book, reviewed it for the March 1930 number of "Labor Age." In his concluding paragraph he says:

"It seems needless to say that a book by these authors is comprehensive, accurate, well written and readable. Those concerned with education for fair play for workers, ought well have their eyes upon the facts and laws related in this effective work."

It will be noted that *Felix Frankfurter* found his greatest opportunity for subversive attention as secretary and counsel of *President Wilson's Medicine Commission* in the Missouri Court. And it will be remembered Tom Mooney, with W. K. Bellings, was convicted and sentenced to imprisonment in San Quentin (Calif.) Penitentiary for bombing the San Francisco Preparedness Day Parade, July 22, 1916, killing ten and injuring fifty persons. Ever since his incarceration there has been an active agitation among the communist-anarchist groups for his release, which has persisted to this very day. *Felix Frankfurter's* concern and anxiety for publicity prompted him to invite a controversial correspondence with ex-President Theodore Roosevelt. The old Bull Moose tipped the mask from *Frankfurter's* program, and in a few trenchant sentences revealed its sinister mechanism.

T. B.'s letter with Frankfurter's reply was read into the Congressional Record of May 12, 1930, by Congressman Sweeney of Massachusetts, more than a decade after the death of his famous correspondent. We are constrained to quote them:

December 19, 1917.

**"My Dear Mr. Frankfurter:**

I thank you for your frank letter. I answer it at length because you have taken, and are taking, on behalf of the administration an attitude which seems to me to be fundamentally that of Trotsky and the other Bolshevik leaders in Russia: an attitude which may be fraught with mischief to this country. . . . . . Frequent Oldes and the I.W.W. and the 'direct action' anarchists and apologists for anarchy are never concerned for justice. They are concerned solely in making one kind of criminal-escape justice. The guiding spirit in the movement for the recall of Fickert cared not a rap whether or

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out money and killings were guilty; probably they believed them guilty; all they were concerned with was seeing a rebuke administered to and an evil lesson taught all public officials who might take action against crime of violence committed by anarchists in the name of some foul and vicious "proletarian social condition."

The reactionaries in the past have been a great menace to this Republic; but at this moment it is the I.W.W., the Germanised scoundrel, the anarchist the filthy creature who always protest against the suppression of crime, the peddler and the liar, under the lead of the Heaven and La Follette and Berger and Hillquit, the Fremont Oboler and Anna Fischer and Randolph Spaulding, who are the really grave danger. These are the Bolsheviks of America; and the Bolsheviks are just as bad as the Romanoffs, and are at the moment a greater menace to orderly freedom. . . . I have just received your report on the Fisher deputation. One of the prominent leaders in that deputation was my old friend Jack Greenway, who has just been commissioned a major in the Army by President Wilson. Your report is so thoroughly misleading a document as could be written on the subject. No official writing on behalf of the President is to be excused for failure to know and clearly set forth that the I.W.W. is a criminal organization.

(So much, as was and is revealing in T. R.'s letter, that we know the reader will bear with us in quoting the concluding paragraph.)

"Here, again, you are engaged in viewing men precisely like the Raskolniks in Russia, who are murderers and the encouragers of murder, who are traders to their office, to democracy, and to capitalism, as well as to the United States, and whose acts are nevertheless applauded for no grounds, any more Mr. Frankfurter substantially like those which you allege. In times of danger nothing is more common and nothing more dangerous to the Republic than for men -- often ordinarily well-meaning men -- to avoid condemning the criminals who are really public enemies by making their entire attitude on the shortcomings of the good citizens who have been the victims or opponents of the criminals. This was done not only by Lincoln and Robespierre but by many of these ordinarily honest politicians in connection with, for instance, the September

unhappy.' It is not the kind of thing I care to see well-meaning men do in this country.

Sincerely yours,

THEODORE ROOSEVELT."

In Felix Frankfurter's reply, he devotes much space to criticism of T. R.'s "dogmatism," and attribution to "the clash of economic forces" the troubles in the copper mines at Bisbee, Arizona. He prates of "social justice" in behalf of those workmen and miners who were duped into committing sabotage at the instigation of German agents, so that the Allies might not have the copper for shells to prosecute the war. His attitude indicated that he either was bereft of a proper sense of proportion, or sympathetic to the cause of the enemy. Theodore Roosevelt had no illusions as to fitting Frankfurter into his exact category. It is doubtful, however, whether Frankfurter in his anxiety to please the American psychology, knew that he was thus misused. Otherwise, it is scarcely probable that he would have evinced such anxiety to have his political associates, correct the correspondence.

Our paragraph especially stands out as typical of the position to which Frankfurter even then was committed -- the supplanting of the American system of government, the Republic under the Constitution by a foreign-made plan. Let us quote him:

"If we do not begin seriously to rectify grave and accumulating evils, we shall find the disintegrating forces in our country gaining ground. May I commend to you the recent reports made to Lloyd George by the commissions of inquiry into industrial unrest in England? . . . What they say of England is true of this country equally: that we need a new set of ideas as to industrial relationships and that uncorrected industrial grievances are the most fertile soil for extreme propaganda."

Something of the philosophy and methods of reasoning pursued by Felix Frankfurter are revealed in his book "The Case of Sacco and Vanzetti . . . A Critical Analysis for Lawyers and Laymen," published by Little, Brown & Co., 1927. His analysis seems to be directed toward creating a sentiment among his readers, by lack of credit, adverse to the decisions of the Massachusetts courts in that controversy. His review of the testimony of certain obscure witnesses, seems to favor the Priests and Kurlandys at the expense of the Luis Andrews (pp. 18-20). He knows the technique of the "red herring." He accuses Judge Thayer of employing it, when the Judge suggests that Kurlandys, an ignorant small shopkeeper, be informed as to police tactics used in selecting witnesses. He says the Judge's motive was to discredit Kurlandys in the eyes of the jury (page 21).

(Frankfurter seems oblivious to the duties that devolve on residents as well as citizenship in America, among those of alien birth. They are eager to accept all the privileges, while assuming none of the responsibilities. This is the crux of the entire situation, with regard to our assimilation of these elements of discord.)

On page 43, Frankfurter admits that "Sacco-Vanzetti were notorious Reds. They were associates of leading radicals. They had for some time been on the list of suspects of the Department of Justice, and were especially obnoxious because they were draft dodgers. . . . Deportation, they knew, meant not merely expulsion and uprooting from home. . . . Among Vanzetti's radical group in Boston, the arrest of the New York radical Saluda, and his detention economically by the Department of Justice, had been for some weeks a source of great concern. Vanzetti was sent to New York by this group to confer with the Italian Defense Committee having charge of the case of Saluda and all the other Italian political prisoners."

(Felix Frankfurter in his anxiety to make a case for Vanzetti, thus proves him "a criminal syndicalist" and puts him, by all rubrics of equity, in "outside the pale" of the laws which he would invoke for his protection. It is an amazing example of the twisted reasoning of agitators of his class. Coming from an expert to a position on the bench of the Supreme Court, it may well be designated obscene.)

On pages 68 and 69 Frankfurter makes much of the "affidavits of two former officers of the Government, one of whom served as post-office inspector for twenty-five years, and both of whom are now in honorable civil employment," who stated that "the arrest of Sacco and Vanzetti . . . furnished the agents of the Department of Justice their opportunity," for a "conviction of Sacco and Vanzetti for murder would be one way of disposing of these two men." He further alleged that they installed a spy in a cell adjoining Sacco's, with a view to "obtain[ing] whatever incriminating evidence he could . . . after winning his confidence" . . . "cases that are regarded as intelligent opportunities when employed by the group but disabled when employed by the government."

After following the case through the trial and conviction, and the subsequent appeal through the Supreme Federal Court, wherein Judge Thayer was sustained, Felix Frankfurter "impartial observer," "sets his cap" by an appeal to the reader to "Let him judge for himself."

But he can not forgo the "last word" which he administers in two extra chapters and two Appendices, in which he endeavors to plant further doubts in his readers' mind by citing various "misstatements of justice" in England and America, and an alleged and once discredited



...a Portuguese gunman in Providence, R. I. These two ... have since been employed fruitfully in the Scotts ... case against by the American Civil Liberties Union ... as a part of their "strategy" for the discrediting of the courts.

The dishonesty of the Sacco-Vanzetti Case, gave Frankfurt ... to reveal in the publicity that his soul seems to crave. ... the motor-vehicle department of Massachusetts followed a speech that was quoted from one end of the nation to the other as "Sacco-Vanzetti and the Red Peril." He made it before the Knights Club of Lawrence, Mass., June 30, 1927, and it was circulated as a 15-page booklet. With documentary evidence to sustain every step of his address, he showed the back-up between the American Civil Liberties Union and the Communist and Socialist parties, with Sacco-Vanzetti in the protest, and overtone of the American form of government as the goal. He said in part:

"It is an impressive fact that the nearer we get to the scene of this murder, the more convinced are the people that these men are guilty. The citizens of Norfolk County know these people are guilty. On the other hand, in those domains where foreign and un-American principles are in vogue such as Russia, Harvard, Argentina, Wellesley, Clana and Smith, they are sure these men are innocent. \* \* \* Who is responsible for this national and even international agitation and disturbance about these two unknown criminals? Who stirred the burning or pulled the strings that animated this deluge of petitions and threats? \* \* \* The answer to the question was not difficult to find, after a brief investigation. \* \* \* The leader of the movement to set these two murderers free is Felix Frankfurter, professor at Harvard College, who in 1912 was rebuked by Theodore Roosevelt for trying to set free McCoy and Billings, the red murderers who blew up and killed and injured many people in a Preparedness Day parade."

The Atlantic Monthly article (which afterwards was reprinted as Frankfurter's book "The Case of Sacco and Vanzetti") was subjected to a grilling analysis by Dean John H. Wigmore of Northwestern University Law School and one of the leading legal authorities of the country. This appeared in the "Boston Evening Transcript" of April 22, 1927. Step by step, line for line, Dean Wigmore dissected Frankfurter's article, giving it consideration far beyond its mere merit but necessary in order to show up its brazen misstatements of fact. He said in part:

"Now all this pulver seeking to make the reader believe that the judge and the prosecutor thrust the defendant's guilt into the case, and then illegally and unfairly exploited it -- all this pulver is a commendable misrepresentation. \* \* \* These facts are so demonstrative of the cruel and illiberal policy of the whole case of the plausible people's article, that a moment may be spent in verifying them."

(For those who would see how cheaply earned is Felix Frankfurter's reputation for credence we heartily commend Dean Wigmore's article which has been reprinted in popular form and is obtainable from the American Vigilance Intelligence Federation.)

As before intimated, Felix Frankfurter has never held public office conferred by the free franchise of the citizenry. All of his jobs have been appointive, and have come from Republicans and Democratic politicians alike. As a political strategist, or schemer, if you doubt the expression, he has few equals. He has an uncanny faculty of always landing right-side-up -- that is nearly always. Twice he has been elected to important appointive positions, and twice has the clamor from all quarters been so great that he has resumed back of the scenes, where, however, he has continued to manipulate the wires.

An A. P. News despatch in the "Chicago Tribune" of June 22, 1932, from Boston, Mass. says:

"Prof. Felix Frankfurter, champion of Nicola Sacco and Bartolomeo Vanzetti, radicals, whose death sentences and execution for murder had reverberations throughout the world, today was nominated by Gov. Joseph B. Ely for a place on the Massachusetts Supreme Court Bench."

"The nomination required the approval of the executive council which probably will act on it next week."

"Prof. Frankfurter, widely known as a liberal and legal authority, was appointed to fill the vacancy created by the death of Justice George A. Sutherland."

"Gov. Ely said after the nomination was made public that Prof. Frankfurter had the endorsement of such high members of the judiciary as Oliver Wendell Holmes, Louis Brandeis and Benjamin N. Cardozo."

"In passing, let us note that Frankfurter had ingratiated himself with 'Mr. Justice Holmes' by writing a laudatory book of that title in 1911."

Francis Marion Webb in a broadside of June 20, 1932 on "Felix Frankfurter's Nomination" stated:

"Governor Ely has snatched the fair name of Massachusetts in his effort to cater to the self-styled progressives who in reality are socialistic reactionaries who scrap the teachings of experience. He has nominated Felix Frankfurter of the *American Civil Liberties Union* National Committee, the *National Popular Government League* and associates of radicals who are trying to overthrow our government by force and violence, for Justice of the Supreme Court of Massachusetts. \* \* \* The 'Boston Transcript' of June 20, 1932, states that the influence of William G. Thompson is seen in the Frankfurter appointment. He is a friend of Governor Ely's and campaigned for him. Thompson was counsel for Sacco and Vanzetti. He made the obviously false statement that they were convicted as radicals and the murder case was not involved. He turned their trial into Communist propaganda and played the Communist game throughout. The radicals raised for him a retainer fee of \$25,000, which it is said was later increased to \$75,000. Governor Fuller's investigating committee formally branded Thompson as a liar. \* \* \* Justice Brandeis has always been regarded by Communists as a friend and it was to him that they appealed to help their case in the Sacco-Vanzetti case, obviously thinking that he was prejudiced in their favor. The aged ex-Judge Holmes has of late years made quite a number of mistakes of fact, and has been largely influenced by Justice Brandeis."

The "Boston Transcript" of June 28, 1932, in an interview with Joseph W. Keith of Brockton, who was deputy district attorney of the Southern District under Judge Harold P. Williams during the early stages of the Sacco-Vanzetti case stated:

"I then believed and still believe that Frankfurter and one of his type are a menace to the country and to American institutions."

The protests against the confirmation of Governor Ely's appointment of Prof. Frankfurter as Judge of the Supreme Judicial Court of Massachusetts were so vigorous and widespread that a light seemed to dawn upon the Harvard professor. He found that he was "completely unprepared," and in a letter to Gov. Ely on the eve of the hearing of the petition of over 500,000 names in opposition, he declared that no one trusting now "would be deceived." The Governor's Council was 6 to 2 against him, yet Gov. Ely uttered the bluff by announcing that "Mr. Frankfurter will not accept." \* \* \* It may be said that I should not have sent in his name without positive assurance of his acceptance." *Frank-*

*furter's* letter to Gov. Ely as quoted in the "New York Times" of July 11, 1932, says in part:

"Your confidence in me, confirmed by the widest expression of professional opinion, makes any words of gratitude seem feeble and irrelevant. But I have other responsibilities to the law which, after much anguish of mind, I feel I ought not now to sever. As against the opportunities for immediate achievement on the bench, the long-term effects of legal education make their claims."

At one time Felix Frankfurter was being touted as a possible member of President Franklin D. Roosevelt's cabinet. The "New York Times" of Dec. 23, 1932, states that his visit to the Executive Mansion at Albany had revived reports that the President-elect might consider him for the future Attorney-General of the United States. This plan, however, was given to Senator Walsh of Montana, who later died before assuming office. Frankfurter's friends then urged him for the post of Solicitor General under Senator Walsh in the Department of Justice, a pivotal position, albeit a secondary one, but nothing came of this either.

The Public Textile strike of 1926 found Frankfurter exhorting the strikers at a mass meeting to remain on strike until such time as they gained their demands. He also appeared before Vice-Chancellor Bowley at Jersey City as representing the United Front Committee fighting an injunction granted against the committee by the Court of Chancery.

The strike was abetted by the *American Civil Liberties Union* and its sisterlike organizations. Reference has been made to Frankfurter's prominent position in its councils and his authorship of "The Labor Injunction," the agitators' handbook. He was a member of the National Committee in 1926, along with such known subversive individuals as Clarence Harrow, Eugene V. Debs, Robert W. Dunn, Elizabeth Gurley Flynn, William Z. Foster, Ernst Freund, Norman Hapgood, Arthur Garfield Hays, Morris Hillquit, John Haynes Holmes, Scott Nearing, Row Schneiderman, Norman M. Thomas, and Oswald Garrison Villard, among others.

Most of the above mentioned names are to be found as his fellow directors on the International Committee for Political Prisoners, the object for which it stands being sufficient to condemn it as the opinion of every genuine American.

Under the caption "American Appeal for Polish Politicals," the official organ of the Socialist Party, the "New Leader" of May 21, 1937, says:

"A stirring appeal to the Polish Government from a group of influential Americans, revealing a wholesale disregard of po-

racial, religious and personal rights in that country and asking for their restoration, was received by Jan Ciechanowski, Polish Minister in the United States. The memorial was presented to the Minister at the Head Ambassador, New York City, and is being studied by him prior to being forwarded to Warsaw. The revolutionaries are made by a group of Americans (averaging 99 and 44-100ths per cent. pure. . . Editor), including Dr. John Haynes Holmes, Clarence Darrow, Sherwood Eddy, Felix Frankfurter, Norman Hapgood, David Starr Jordan, William Allen White, Paul U. Kellogg and thirty-eight others, organized under the name of International Committee for Political Prisoners, 2 West 13th Street, New York. "Six thousand individuals, according to this committee, are imprisoned in Poland today for political reasons and wholesale brutality and torture are visited upon them by the authorities."

(The existence of this group knew no bounds. There seems to be no law whereby they may be reached for thus usurping the functions of our State Department, if it be a function of that department to demand fair treatment for conspirators against the security of a friendly nation.)

The letter-head of this outfit gives the names of the members of the General Committee as follows:

Roger N. Baldwin, chairman, Anna W. Davis, secretary, treasurer, Jane Addams, Luigi Antonini, Louis D. Brandeis, Max D. Danah, Clarence Darrow, Jerome Davis, W. F. B. Du Bois, Sherwood Eddy, John Lovejoy Elliott, Nathale D. Ellis, Charles H. Evans, John G. Forbath, Felix Frankfurter, Laura Gannett, Elizabeth Gilman, Alice Hamilton, Arthur Garfield Hays, Norman Hapgood, John Haynes Holmes, Oscar Jones, Paul Jones, David Starr Jordan, Frances Fisher Kane, Paul U. Kellogg, Harry Kelly, Paul Longwell, E. C. Lindeman, Harry S. Linfield, Robert Morris Lovett, Julian W. Mack, James H. Maurer, David Matheny, S. E. Morison, Fremont Older, John A. Ryan, John Nevin Sayre, Alexander S. Tardus, Graham R. Taylor, Norman Thomas, Wilbur K. Thomas, Carlo Treves, Girolamo Valente, B. Charney Vladek and Olin D. Wassonmaker.

How clearly this set-up approximates the Sacco-Vanzetti National Advisory Committee of which Felix Frankfurter also was a member, may be seen by a comparison with the list of August 15, 1925 -- Hunter Memorandum -- which follows:

Luigi Antonini, secretary Italian Dues Makers and Watchmakers Union;  
Roger Baldwin, director, American Civil Liberties Union;  
August Sullivan, member, General Executive Board, Amalgamated Clothing Workers of America;  
Abraham Brownstein, manager, Joint Board, Furriers' National Union;  
Arturo Guaracini, secretary, Italian Chamber of Labor;  
Bishop Paul James, Fellowship of Reconciliation;  
Frederic Kitcher, managing editor, "The Nation";  
Salvatore Nitti, 1st V.P. International Ladies Garment Workers;  
Joseph Shubert, sec. treas., Amalgamated Workers of America;  
Helen Phelps Smith, Norman Thomas, League for Industrial Democracy.

Other Committee of Sacco-Vanzetti Sec. Trial League, 43 Tremont St., Boston, Mass.:

Mr. G. Flynn, Elizabeth Dawson (formerly employed as stenographer for the Communists), Felix Goudagis and Angelo Fabry 84 Hanover Street, John F. Moore, attorney, 111 Devonshire St., and Felix Frankfurter.

Felix Frankfurter's association with the National Committee of the "Committee on Cultural Relations with Latin America," 307 East 17th Street, New York City, is revealing, as just another case of the latitude scope that brings the "old guard" out in a new alignment, for its traditional policy of having "a finger in the pie" of world events. Among them we find Rabbi Stephen S. Wise, Julian W. Mack, Paul H. Douglas, Robert H. Hutchins, Paul U. Kellogg, Harry W. Ladd, John Dewey, Raymond L. Buell, Waldo Frank, Louis S. Gannett, Karl Rohd, Bruce Bliven, and Catherine Wough McCulloch.

"Reds in America" (Backwash Press, New York City, 1924) so vividly shows further activities of Frankfurter within the American Civil Liberties Group. We quote therefrom (page 216):

"A certain group of lawyers, not always the same personnel, but invariably with many of the same individuals, seems always to be seeking ways to embarrass the Government and interfere with its functioning when it attacks radicalism in any of its forms. These lawyers do not seem to care as to the merits of their case, as was shown when they brought charges of illegal practice against the Department of Justice, charges which were quickly shown to be utterly without foundation, a fact that the veriest tyro would have known upon cursory examination

of the 'evidence' they presented. The makeup of this particular group of lawyers, whose activities seem to have been directed to hindering instead of helping the Government in its fight, a right inherent in every Government, to protect itself, is interesting. \* \* \* \* This self-appointed committee of lawyers, which signed the charges against the Department of Justice, included Felix Frankfurter, Ernst Freund and Frank P. Walsh, who were identified with the American Civil Liberties Union. \* \* \* \* Frank P. Walsh is the lawyer who, on his return from Moscow, was reported in Communist circles to have been retained for a fee of \$20,000 to defend the Bridgman conspirators." (Communists acting under the Third International, who were raided by State and Federal agents at the home of Bridgman, Mich., Aug. 22, 1922. William Z. Foster was one of the conspirators seized.) \* \* \* \* Zacharias Chater, Jr., a colleague of Frankfurter's at Harvard, the man who advocated in print and in public declaration that there should be no law against sedition and anarchy, was also one of the lawyer signers of these charges. \* \* \* \* Swinburne Hale, of New York, who stepped in as captain in the Army in the Military Intelligence Section, when official information was sought regarding *Ludwig C. A. Meyer*, the "Bolshevik Ambassador," was one of the signers."

Persistently and periodically Prof. Frankfurter returns to the *Murray* case, as an activity for dull concepts. His latest rant of it is mentioned thus in the "New York Times" of April 1, 1935:

"San Francisco, March 31. John Forester of Washington and Felix Frankfurter, Professor of Law at Harvard University, are included among the legal minds being organized as an advisory council for Thomas J. Murray, it was announced today, by the soldiers' defense committee. In further preparation of the scheduled trial of Murray April 25 on an old indictment charging murder in connection with the Preparedness Day bombing, the committee announced that President Roosevelt has been requested to use his influence in support of the trial. Those addressing a letter to the President in Murray's behalf the committee said include H. G. Wells, Maxton Gorka (Member of the President of the Third International), Henry Barbusse, Romaine Rolland, Heinrich Mann, Valle Indian, Paul Langevin and Gustav Fant (*Meyer* of Stockholm Sweden)."

As Dodge lecturer at Yale University, and Visiting Professor

of Government at Yale, Prof. Frankfurter delivered four lectures at New Haven, Conn. in 1930, on the general subject of "Public Administration and the Public." The subjects were as follows:

- April 10: "The demands of Modern Society upon Government";
- April 16: "Does Law Obstruct Government?";
- April 23: "Public Services and the Public";
- May 2: "Expert Administration and Democracy."

In his second lecture of this series, Prof. Frankfurter directed his attention to the Constitution. The "New York Times" of April 17, 1930 quotes him as follows:

"Genuine respect for the document, now the basis of one of the oldest governments in the world, with general acquiescence, even attachment, is felt, and there is no general demand that the Constitution be revised." (James faced Prof. Frankfurter, addressers Yale then, and Parnass in reverse.)

"In no single respect has the reputation of the framers of the Constitution been more completely frustrated by history than through the popular election of presidents. Yet the terms of the Constitution have been retained and through them, in conjunction with the machinery devised by our political parties, are registered those very democratic forces to which the constitutional scheme was directed.

"In simple words, the difficulties that government encounters do not adhere to the Constitution. They are due to the judges who interpret it. For in the language of the present Chief Justice, spoken when he was Governor of New York, 'The Constitution is what the judges say it is'."

"This attempt to read into a private expression of Chief Justice Hughes a hidden meaning is characteristic of the Frankfurter mental mechanism. The function of the United States Supreme Court is to interpret the laws under the Constitution. The judges, as the third wing of the government, along with the Congress and the President (as one) interpret these laws in accordance with the spirit of the Constitution, under which they derive their powers. (Edwin)

About a month after the delivery of this lecture Prof. Frankfurter expounded upon the thought he there set forth in an article in the May 1930 issue of "Current History" published by the "New York Times." A review in the "New York Times" of April 27, 1930 says:

"It is surely what the Supreme Court requires is a group of men adequately equipped to wield the people's power," according to Felix Frankfurter of the Harvard Law school, who writes

in May Current History that 'the crucial criticism of the court itself is its putting unquestioned authority behind the personal opinion of its members'. The importance of the choice of men, he says, lies in the fact that the judges have 'ultimate authority over Legislature and executive, and through their vote may determine the well-being of millions and affect the country's future'. Mr. Frankfurter holds that 'the Supreme Court is the Constitution.' He goes on in view of the controversies over recent appointments to trace the history of the court's opinions molding the Constitution."

In a two-column article in the "New York Times" of Nov. 13, 1932, entitled "A Noble Decision . . . The Supreme Court Wins a Chapter on Man's Rights", Felix Frankfurter covers the Scottsboro Decision. It will be recalled that the Alabama courts found seven negro youths guilty of rape and imposed the death sentence. The American Civil Liberties Union capitalized the situation by raising a fund for their defense, and put into execution the strategy employed in the Sacco-Vanzetti and Mooney-Billings cases. Mass-meetings and demonstrations were held by Communist and radical groups throughout the nation, with the intent to stir up race-enthusiasm that would work in the interest of social upheaval. Funds were provided whereby the case was carried up to the Alabama State Court of Appeals, and eventually to the Supreme Court of the United States. That distinguished body ruled that there had been certain judicial errors committed in the original trial, and remanded it back to Alabama for a new trial. Frankfurter said in part:

"The Scottsboro case emphasizes the doctrine that in every defendant must be accorded the maximum conditions for an ordered and reasoned investigation of the charges against him — a proper and heartening guarantee of fundamental law. The history of liberty. Mr. Justice Brandeis has reminded us, cannot be dissociated from the history of procedural observances. In no case is the Supreme Court a general tribunal for the correction of criminal errors, such as the Court of Criminal Appeal in England. . . . But the court, though it will continue in our white hot nation, will not suffer, in its own shocking phrase, 'judicial murder.' Here lies perhaps the deepest significance of the case. Thus the judgment of the court transcends the fate of the seven plighted defendants concerned. It leaves that fate ultimately untouched. Upon the question of guilt or innocence it bears not even remotely. That question remains to be determined in normal course by the constituted tribunals of Alabama."

The Survey Association are a Socialist-Congressman group, of which Lorien R. Eastman is president. They held their twentieth annual meeting on February 1st, 1933, at the auditorium of the New School for Social Research at 66 West Twelfth Street, New York City. Paul U. Kellogg, editor of the "The Survey Graphic" and "The Monthly Survey," was one of the speakers. The distinguished speaker of the evening however, was Felix Frankfurter, Byrnes Professor of Administrative Law at Harvard University. In this socialist atmosphere, he sounded a different note from that expressed in the halls of Yale. His speech as recorded in the "New York Herald Tribune" of Feb. 2/1933 made an impassioned plea for a public works program, such as that proposed by Senator Robert S. Wagner, and cast general doubts on the efficiency of the capitalist system. Elaborating on this theme he said:

"A good part of our past is dead. To hope for its revival is tragic illusion. New circumstances emphasize the nation's wealth-making. how they are met will determine the national welfare. The road to yesterday's prosperity is largely barred."

(He said a crowded as ex-Mayor Hylan of New York once so charmingly expressed it. With the Scopes set-up, with the League of Nations, the World Court, the various international wars and pitiable mourning on, we might well agree that the way to old-time prosperity is barred with hazards that can only be met by a united Constitutional trust of the American people. Editor.)

"Recovery, too much pursued by monetarism, must deal with factors which in their combination certainly create a new situation. They constitute a desperately different combination, both economic and psychological, from the slough out of which past depressions have moved."

He enumerated these factors, and concluded "The way out lies in bold and heroic grappling with the basic forces of our economic situation. . . . Moreover the function of political leadership is to lead, and not to allow action to be determined by ungrounded public opinion or confused and distorted." (Words that dropped of verbiage, came only one thing — advocacy of the strong arm and mailed fist — of the township itself!)

Some international allusions of Frankfurter that serve to verify the picture as to his larger allegiances outside America, are revealed in an A. P. dispatch from Boston, printed in the "New York Herald-Tri-

Sept. 25, 1933. It is so important that we are constrained to quote it in its entirety:

"Professor Felix Frankfurter, Harvard liberal, and regarded as one of the unofficial advisers of President Roosevelt, sailed for Europe today (Sept. 24) aboard the Britannic.

"Possibly Professor Frankfurter will be an exchange professor at Oxford University, but advice from Washington indicates he also is on an unofficial Presidential mission, assisting the Chief Executive in keeping abreast of affairs, particularly financial matters, all over the world.

"Professor Frankfurter declined to be interviewed or to make any comment on the reasons for his trip. He goes to Oxford as the third American professor to lecture under the professorship established in 1929 by the Association of American Rhodes Scholars through the generosity of the late George Eastman. Professor Wesley Clair Mitchell, of Columbia, was his predecessor. Professor Frankfurter is Byrne Professor of Administrative Law at Harvard Law School. He recently declined an appointment to the Massachusetts Supreme Court."

The Kiplinger Washington Newsletter of December 2, 1933, a private service to business clients, shows more of this alleged "Frankfurter influence."

"More and more the influence of Prof. Frankfurter of Harvard is noted in selecting brilliant young liberals for key positions as legal advisers. By intellectual standards Frankfurter and Justice Brandeis are almost synonymous. It is a fact therefore, that a respected Supreme Court Justice is influential within the executive branch of the government under this administration."

Various designated as the "Hit Dog Boys," the "Warner Warners," and the "Frankfurter Boys," from their long association with and identification as protégés of Prof. Felix Frankfurter, a new group of bureaucrats is engaging the helpings of the Washington newspaper boys.

Ex-Congressman Fred A. Butler called them "socialist boys," a swarm of Felix Frankfurter disciples all under the domination of young, free-thinking colleagues of no practical experience whose theories have only been partially tried in Russia and who without constructive opposition, will surely work irreparable damage to rich and poor alike. . . . The young brain-trusters wanted legislation to reduce crops, cattle, pigs and other farm products. They got it and immediately killed mil-

lions of young pigs while entire families were starving in Chicago and other metropolitan centers. Roads could never stand to do anything so destructive of nature's demands."

(Chicago Daily News, July 17, 1934)

Paul Mallon in his "Washington Notebook," reported in the "Chicago Daily News" of Feb. 27, 1934, says of them:

"The brain trust has been operated on the inside by the young *Anthony Advocates*.

"They are all lawyers, much smarter than the average Wall Street lawyer and congressman. They burn with youthful zeal to remake the world, and have done very well so far. You never heard of them, because they are shy about publicity and keep in the background, but if you look behind most of the major policies, you will find their finger prints. They are the real powers behind the throne.

"The latest spectacular inside job they did was on the much exchange reform bill. It is called the Fletcher Rayburn bill, but another Senator Fletcher and Representative Rayburn ever saw it before it was handed to them by the *Anthony Advocates*.

"The smart boys worked on it for weeks so hiding before one of their number submitted copies to Mr. Roosevelt. Their handwork was so clever that all the lawyers on Wall Street have been sitting up nights ever since trying to figure out a way to tear it down. They made it appear to be very un-correct and legally logical. No shrewder bill was ever proposed. You have to read between the lines to get its hidden importance. It says 'on the one hand' and then 'on the other' but between the two you find Wall Street is made into a government corporation.

"An even better example of their cleverness is in the securities act. That is the law which requires all corporations to give the Federal Trade Commission a full financial statement of how financing and threatens corporation officers with jail if they make a mistake.

"The young *Anthony Advocates* who were in on that job include: Ben Cohen, P.W.A. Tom Cameron, R.F.C., Max Lowenthal, Peoria Committee and Jan Landa, Federal Trade Commission. All are about 35 to 40 years old and learned the practical side of law fighting Wall Street in New York. Others prominent in the group are Herman Olshansky, Margenfeld's legal adviser, Jerome Frank, A.A.A. and Nathan Margolis, adviser of the Interior Department. It

was Oppenheimer who discovered the legal loop hole on which the gold policy first was based.

"There are a dozen or so others hidden in the N.R.A., C.W.A. and elsewhere. They have several common meeting places at the home of friends and at a house where a few of them are living together. 'If they sit out to repeal the law of gravity legally, they probably could do it.'"

A syndicated article in the "Chicago Times" of March 19, 1934, page 2, gives a slightly different version of the same situation:

"INTERECINE: The behind-the-scenes story of the stock market bill discloses the most bitter fight of the New Deal. One fight was known to everyone — that between Wall Street and the authors of the bill. The other fight, not generally known, is within the administration, between treasury conservatives and the *Frankfurter* brain trust. The President and Henry Morgenthau are on the side lines, took little part in the battle.

"Original authors of the bill were Jim Lindbergh, midnight-oil-burning member of the Federal Trade Commission, Tom Corcoran, the brains of the R.F.C., Ben Cohen, attorney for the F.T.C.; and Ferdinand Pecora, counsel for the Senate Banking Committee — all but the latter appointees recommended by *Felix Frankfurter* of the Harvard Law School. After drafting the bill, they took it to Roosevelt, went over it section by section. He approved."

Donald Richburg, former law partner of Harold Louder Lick, one-time general counsel for the defunct N.R.A., is a graduate of Harvard Law School, 1904, at which time *Felix Frankfurter* was an under-graduate of the same institution. For this reason he is sometimes dubbed one of the "Frankfurter Boys", but is not to be included in the group above discussed, although he is an active apologist for it. He has been a target for some of the fire of Dr. Wirt's associates, which is probably the determining reason for his composition of the following gem of poetry reported by the "Chicago Tribune" in a Miami, Fla. despatch of April 10th, 1934:

"Curle-fish apart  
Nobody hurt.  
That is the end  
Of Dr. Wirt."

(This illustrates the mental limitations of these "built-up" brain-runners — trying to meet logical evidence by denials and ribald jest.)

The best fortified and most penetrating analysis of the character of *Frankfurter*, and his relationship to the personnel and politics of the Roosevelt administration is given in "THE NEW DEALERS" (Simon and Schuster, New York, 1934). The third section of the tenth chapter, entitled "Privy Counsellors" (page 317 et seq.) states:

"By a curious paradox, the long-range technique of breaking down the Brandeis antipathy to the New Deal has been applied by another Jew, Professor *Felix Frankfurter*, or *Felix*, as he is affectionately known through the length and breadth of the New Deal legal hierarchy.

"Franklin D. Roosevelt has been heard to say that the only man in the world who can give him sound indignation is *Frankfurter*. He has the acute problems of the world at his fingertips and can cover more ground in three hours than the average 'superior intellect' can cover in a day. He is a tireless talker and an unmatchable letter writer. If Brandeis is a prophet, *Frankfurter* is a tranche of prophets who has made the Harvard Law School a sort of racing stable for liberal lawyers.

"One of our greatest teachers of youth, he also has the tact and ability to teach governors and Presidents. He has a keen mind and there are few men in America who can talk more convincingly. Unlike that other great Jew, Bernard M. Baruch, who after making a fortune in speculation has converted the vast hoard masses of old-line economists and expects to be known as the perpetual adviser to all Presidents of all parties in all times and upon all subjects, *Frankfurter* usually has something to say which is worth heeding.

"Unlike Baruch and Brandeis, *Felix* is a comparatively young man, about six months younger than Roosevelt, and he has the more youthful zest and sense of humor which are hard to reconcile with the tubercular fitful. *Felix* more than any other one person is the legal master-mind of the New Deal. Often he is in large part only the transmitter of the apostolic message of Louis D. Brandeis. Like Brandeis, he cannot watch the game without putting his hands on the board. . . . He is the credited as opposed to the counter-bred Jew. . . . He is another Brandeis who wears pin-brows instead of the conventional prophet's robe. . . .

"His intimacy with Roosevelt dates back to the Wilson Administration when *Frankfurter*'s work on the War Labor Police Board brought him in frequent contact with the Navy. . . .

being of the type who 'keep in touch' they have continued their association ever since. \* \* \* Franklin treacherously invited Felix to come to Albany for a general gabble and incidental diagnosis of that over-interesting patient known as the state of the nation. And Felix urged in letters to his friends and in conversation Roosevelt's nomination for the Presidency, being one of the few liberal intellectuals who saw that Roosevelt was **THEIR MAN**. Most of the others dashed off like greyhounds after the mechanical rabbit of the 'liberalism' of Norman Baker, Owen Young and Al. Smith, which is sufficient commentary on their liberalism.

"After the nomination, Frankfurter organized the Progressives for Roosevelt movement in New England, which succeeded in keeping a few college professors from voting for Norman Thomas, and he drummed up a lot of support for the appointment of Frances Perkins as Secretary of Labor, which Roosevelt welcomed, as he had decided to appoint her in any case. \* \*

"Frankfurter recommended Dean G. Acheson, Brandeis' protégé, for high legal office, preferably the post of Solicitor General. Subsequently, Lew Douglas, who was an intimate friend of Acheson, proposed him for Under Secretary of the Treasury. As Frankfurter's endorsement was considered proof of Acheson's liberalism, he got the Treasury job but no one could have been more amazed by this appointment than Frankfurter himself. He had not recommended Acheson as a financial expert or economist, only as a good lawyer.

"When Wallace and Taggart planned their new farm administration, they asked Frankfurter to recommend a Solicitor for the Department of Agriculture. He suggested Jerome N. Frank, a liberal Jewish Lawyer of Chicago. Jim Farley claimed the job for a deserving Democrat, being entirely oblivious of the fact that the great agricultural experiments of the Roosevelt Administration would require the highest type of legal brains, so Frank was shifted to the post of General Counsel to the Agricultural Adjustment Administration, where he promptly became a stick on the chair of Mr. George N. Puck.

"When the first draft of the Securities Bill prepared by Hutton Thompson was practically wrecked, Mahony went for Frankfurter to rewrite it. Felix brought down Professor Landon, a younger protégé named Ben Cohen, and borrowed still

another of his protégés, Thomas G. Corcoran, from the Reconstruction Finance Corporation. \* \* \* When the Tennessee Valley Authority was organized and needed a smart lawyer, Frankfurter produced David Lilienthal, whom he had been turning on in Wisconsin in training for just such a job. Lilienthal knew public utilities and the laws governing them from right to left. For Secretary Ickes, Frankfurter produced Nathan R. Margold; for Miss Perkins, he produced Charles E. Wyzanski, Jr.; and Secretary Hull found waiting for him in the State Department another Frankfurter economic protégé in the shape of Herbert Feis.

"Thus there are Frankfurter men established in key posts throughout the Administration. Most of them are young and brilliant heirs to the tradition of Holmes, Brandeis and Cardozo, transmitted through the Harvard Law School under Professor Felix Frankfurter. There is one conspicuous exception. There are none in the Department of Justice. Jim Farley put them first. Most of the Frankfurter products brought their own skills and mustard along to Washington, until there are now between seventy-five to a hundred men in the Administration who studied under Frankfurter, although many of them were not specifically recommended by him. Some Departments and emergency organizations won't accept any lawyer who is not on the Frankfurter white list. The fact that so many liberal lawyers are Jews has succeeded in giving an accidentally Semitic cast of countenance to the legal front of the New Deal, which has produced enormous misunderstandings in the political hinterland and which in part precipitated the quarrel between Puck and Taggart in the Department of Agriculture, Puck having raised the racial issue by the assertion that raising farmers and business men from the West and South complained about the Jewish lawyers they had to deal with. \* \* \* Roosevelt has discovered what the English have known since the day of Elizabeth that the Jew is a bad servant and a bad master, but a superb partner in any bold enterprise.

"So Frankfurter's part in the New Deal was not confined to the provision of its legal personnel. He was an active though detached member of the Brain Trust until he left to live at Oxford and he advised the Administration on its many snarls with regard to the Supreme Court. He urged against allowing any of the revolutionary legislation to come before the Court until Congress had reaffirmed its intent by re-enacting



This strategy would also allow the Administration to use some of the conservative ideas of the past. Mr. Frankfurter advised the Administration to use the word "liberal" as his parting word to almost every one of the members in each of the experimental wings of the Roosevelt Administration.

Accordingly, he will continue to be a powerful factor on the New Deal and some day, when Brandeis retires, he will probably be appointed to the Supreme Court. If he were not a Jew and came from the West or South, he would get the first vacancy, but he is committed by race and vendetta, as well as by social method, to succeed Brandeis.

Robert Stone in "The Sentinel . . . The American Jewish Weekly" of Chicago, issue of April 19, 1934, gives a Jewish estimate of "The New Dealers," and seeks to attribute its authorship to Jay Franklin, a but at strategy calculated to "take the heat" off the author's sometimes fulsome praise of the Administration Jews. Our individual opinion is that it is a subtle composite of many journalistic minds.

The review is introduced by the editorial comment: "Men and not principles make a government," Morgenthau once said. "It is as true in democratic America as in Fascist Italy and Germany."

Mr. Stone says:

"While the Mr. Wirts of the nation confuse the issue for both conservatives and radicals, the Administration baffles the vision of them who recognize the contrast between the conservative internationalist Cordell Hall and the liberal nationalist Raymond Moley and between the moderate Leo Wolman and the progressive Rexford Tugwell.

(We are constrained to observe that despite these confusing labels, applied by Mr. Stone, these four individuals are definitely international in their attitudes, as regards American nationalism under the Constitution. These men and all others in the public eye must be judged not by "labels" but by their affiliations, and their written and spoken utterances.)

• • • • That Roosevelt and his trust friends aim to wrench the country away from the cupidinous capitalism of the past seems a certainty. Whether their goal is a commonwealth like Russia (sic), or a totalitarian state like Germany, it is difficult to say at the moment.

(Of course, the possibility that there could be a third course, that of Constitutional American nationalism, under which our country has

made its great progress, would not suggest itself to any of these internationally-minded bureaucrats or their chairmen.)

"Despite the charges of the Steel Trust (probably meaning Dr. Wirt, the inference being that the recently awarded charges were assigned by 'the Steel Trust'), President Roosevelt has not yet done anything to prove his sympathy with the program of the Third International.

(This is of course, an invitation to position argument, as is also the sentence following, most illogically and pointlessly presented).

"In comparison with the record and the principles of previous administrations, Roosevelt's program is luscious with its warm social spirit. • • • • The personalities revealed in 'The New Dealers' are a more attractive and brilliant group of men than any administration has ever possessed. All of these who have any important place in the President's confidence are equipped with a social conscience. • • • • The patience with which the author discovers Jewishness of every 'brain Trustee,' the piousness with which he lumps his Jews would seem to be the result of design and not chance. (A thought that will present itself to any reader.) • • • • It would be amazing if the Jews were to be charged at first solely as 'The Unaffiliated Observer' has done, and then overtly, with being prime movers in the Washington revolution, when they are merely small cups objecting because the greater wheels revolve too swiftly for their comfort."

(Robert Stone's prosecution can not obscure the facts in the case as previously presented. . . . *Edgar*.)

"Fortune" Magazine (published by Time Inc.) has twice turned its pages to the building up of Felix Frankfurter. In April, 1934 it devotes space to an article "Crucible of the Administration. . . Mr. Roosevelt's Men" giving further information about Frankfurter's activities, who are there designated as "Dollar-a-Day Boys".

"The characteristic phenomenon of the new Washington is the dollar-a-day boy, the youngster recently out of Harvard or Yale or Columbia Law School who serves equally gladly the New Deal for a remuneration accepted by the Burnetts and Swoopes (during the War). The War was a crisis for the entire national economy. The New Deal is a crisis for the hopes of a younger generation. It is only natural that the young men and not their elders should have received and accepted the call to defend it."

The young men are roughly of three categories: the political students (and political appointees are still political appointees whatever their age), the young lawyers and the like out of large New York offices or important industries, and the liberal. Many of the second group are important, but it is the third or thirdish individuals which really gives color to the scene.

"The greater number of these youngsters — their ages run from twenty-five to thirty-five with the majority around thirty — are selections, directly or indirectly of Felix Frankfurter, intimate adviser of the President, Professor at Harvard Law School, and one of the great teachers of our time — a man whose influence over his students does not end with the awarding of an LL.D. degree. They therefore share Mr. Frankfurter's point of view. Which is to say that they are pretty largely old-school liberals since Mr. Frankfurter in spite of the epithets hurled at him from Lower Manhattan, is precisely that; a defender of democracy, a believer in the possibility of capitalistic reform, and a convinced individualist.

(Mightily the writer does protest too much. We will let the reader, in the light of Mr. Frankfurter's background and previous record, as shown in the evidence here offered, judge for himself, as to whether the "Fortune" writer honestly evaluates him. . . . Editor.)

"Only in the small minority headed by James Landon (co-author with Frankfurter of "The Business of the Supreme Court," 1932), and Thomas Corcoran of counsel for the R.F.C., are the young men economic radicals. The rest, general opinion to the contrary notwithstanding, are disciples of Thomas Jefferson. (More unconvincing protestation, insulting to the intelligence of the reader. . . . Editor.)

"And general opinion to the contrary notwithstanding, no overwhelming majority are Jews. It is true that about a third of the sixty or seventy Frankfurter appointees in the administration are members of that race. But of the seventy-three junior counsel in the A.A.A. under Counsel Jerome Frank, himself a Frankfurter man, only nine are Jews. In both categories the Jews have proved themselves as devoted as their Gentile colleagues — and not infrequently more able. What is striking about the Frankfurter group of young men is their loyalty to each other and to their ideas. They live together

in groups — the Romanes house in Georgetown, for example (designated by Congressman Fred Wilson as "the White Bird House") — as Frankfurter and Walter Lippmann (contributing propaganda for the cancellation of the "war debts" at the expense of the American taxpayer. . . . Editor) and other young men of the war period lived in the House of Truth near Dupont circle. They work together in teams, so that a layman official who has asked for a rush job may find his office filled in the small hours of the night with a group of readily responsive young men turning into his work as though it were their own. They frequent the same dinner tables. And they talk the same language. (We reserve comment. . . . Editor.) The result is a smother of ideas which grow up to bear fruit in older minds. The young men do not so much draft the legislation (though they are responsible in large part for such measures as the Securities Act, the Social Exchange Bill, the Raritan bank bill, etc. This paragraph belongs in the "Fortune" article. . . . Editor.) as suggest legislation which they believe ought to be drafted."

"Fortune" Magazine, again, in its issue of January, 1936, covered the activities of Frankfurter in the Roosevelt Administration, the article being read into the Congressional Record at the request of Senator Robert M. La Follette, Jr. of Wisconsin on January 26, 1936. From it we learn that Frankfurter's opinion was asked by President Franklin Delano Roosevelt on each of his friends or former pupils as:

Prof. U. M. W. Sprague, who advised the administration on financial matters from failure of his experience with the Bank of England.

John D. Brown, now Assistant Attorney General;

Assistant Attorney General Harold Stephens, now a Judge of the District of Columbia Court of Appeals;

Dr. Leo Wolman, who with Nicholas Kellie (one of the late Florence Kellie-Wolman's sons, making arrangements for the funeral expenses of Karl Marx Frederick Engels) had the deciding vote in the Roosevelt Automobile Mediation Board.

Lloyd Garrison, formerly chairman of the Labor Board, and

John G. Winant, Chairman of the Social Security Board.

Apologizing for the Frankfurter influence, the article goes on to say:

"Only upon the charge that Mr. Frankfurter has packed the administration with his 'boys' can the light be thrown. When

... to suggest that Mr. Frankfurter has done  
... in the past 25 years. . . .  
... if you wanted a good young  
... Such in his capacity as member of  
... Board and in his capacity as House's  
... Mr. Eugene Meyer, to take one  
... for the Harvard brand of legal product."

Mr. Meyer is remembered, is a member of the European bank-  
ing firm of Lehman, Frères, and the capital lets air of former Congress-  
man John F. McFadden of Pennsylvania, who publicly pilloried him in  
Congress as "the man who caused the depression." . . . Editor.)

In the same number of "Fortune" with this "build-up" is an article  
from the pen of Frankfurter, called "The Young Men Go To Wash-  
ington." It is an auto-apology, nicely worded, to indicate "what he be-  
lieves a democracy needs youth and brains." We will call some of the  
"wonder-words" to illustrate how he "dances with faint praise" the  
American scene:

"We have been haunted by 'purge' both in Berlin and Mos-  
cow, and we have recalled — what we had too quickly for-  
gotten — the brutality and violence which followed the  
march on Rome. As a result, our democratic faith has been  
infiltrated."

"Doubts about the solidity of our great past, though still  
vague, are by no means unshared. (A day that he says will  
have opened. No American expects his jealous international critics to  
"build him up." Methinks Felix has outsmarted himself. . . . Editor.) . . .

"Nothing has more vindicated democracy than the unhampered  
exercise of freedom of discussion, however hostile and mis-  
representative, during three years of gigantic effort to meet  
the greatest economic and social crisis within the framework  
of the traditional American political system. . . . Rugged  
individualism as a theory of political non-action, and as a prac-  
tice of hands off by government, has been dead in England  
since the days of Gladstone and Disraeli, and in this country  
was buried by Theodore Roosevelt beyond resurrection even by  
Harding and Coolidge. . . . Party dogmas are one thing,  
party actions quite another. . . . Alphabetical agencies will  
continue or alphabetical agencies will take their place."

(in other words, we'll make you like it! . . . As typical an epigrammatist  
as George Bernard Shaw, to whom Felix shows many points of view)

them, especially in his articles of the nation to meet a national  
plan. . . . Editor.)

"Fortune" Magazine for August, 1933, contained an article:  
"Federal Securities Act. . . The Social Implications of This Revolution."  
The official publication "Time" in its issue of July 24, 1933 carried  
an advertisement announcing it as from the pen of "Professor Felix  
Frankfurter, consultant to the House Committee which drafted it."  
("Old school liberal" bracket!)

Arthur Sears Henning, Washington correspondent of the "Chi-  
cago Tribune" in an article bearing date of Dec. 22, 1933, says:

"Many of the 'happy few days' got into the administration thru  
the very corridors of the Supreme Court which has begun to  
ruin the New Deal philosophy."

For years Associate Justice Louis Brandeis and the late As-  
sociate Justice Oliver Wendell Holmes made it a practice to  
take as their secretaries the two Harvard law school graduates  
who stood at the head of their class, or for other reasons were  
recommended by Prof. Frankfurter. There was a strong  
bond of friendship between Prof. Frankfurter and the two  
justices most noted for their liberal philosophy. Mr. Justice  
Holmes cherished it to his dying day. Finally, and the strong  
bond still exists between Mr. Justice Brandeis and the professor.  
For the young Harvard graduates who became associated with  
Supreme Court justices as a result of this relationship, it was  
the opening of opportunity. As new secretaries came along,  
the old ones usually moved into responsible positions. Many  
of them found their way into high places of the government  
when the New Deal arrived."

Mr. Henning names a partial list of "key Frankfurters," except  
usually:

Dean G. J. Lewis (Brandeis protégé), undersecretary of the treas-  
ury until he was ousted from the administration's gold purchase device to  
raise prices.

Thomas Corrigan, co-draftsman (with Prof. James M. Lando and  
Benjamin V. Cohen) of the antitrust holding company bill and much other  
legislation, whose official post is on the legal staff of the Public Works  
Administration.

James M. Lando, now head of the Securities and Exchange Com-  
mission (SEC); co-author with Prof. Frankfurter of "The Business of  
the Supreme Court," a book on labor law.

Alger Hiss, right hand man of Solicitor General Stanley Reed of the Department of Justice.

Paul Freund, also of the legal staff of the Department of Justice.

All of these except Mr. Hiss have been in turn, secretaries to Associate Justice Brandeis. Hiss was secretary to the late Associate Justice Holmes.

Other "Frankfurters" in key places are:

Bryant F. Cohen, co-drafter of the utilities holding company act and much other legislation, also on the payroll as a member of the PWA legal staff.

Jerome Frank, Chicago "liberal" lawyer, ousted by Chester Davis, as general counsel of the Agricultural Adjustment Administration; had enough influence to land in another prominent New Deal job, as railroad reorganization counsel for the RFC.

Charles R. Wyzanski, solicitor of the Department of Labor under Frances Perkins.

Thomas Elliott (28 years old), former associate solicitor of the Department of Labor, now general counsel for the new Social Security organization.

Another "Hit Dog," not so happy now since his ouster as assistant consumer's counsel in the Chester Davis purge of the AAA, is Cordell Latta, intimate personal friend of Felix and actively associated with him in the Sacco-Vanzetti Defense Committee in Massachusetts in 1926-27.

Another Frankfurter solicitor in the AAA was Lee Prosser, who won the ire of Senator Borah by advising that AAA could not force sugar processors to sign contracts with producers. Miscellaneous links are Horace Olyphant, legal adviser to the Treasury Department (David Littlehal of the Tennessee Valley Authority (grummed in Wisconsin for the job); Nathan R. Margold, solicitor of the Department of the Interior; Herbert Fein, in Cordell Hall's Department of State, and Alex Lowenthal of the Pecora Senate Banking Committee.

From his extensive experience as a journalist in Berlin, London and New York, before, during and after the World War, Frederick W. Ives, now writing for the "Washington Star" is close to sources of accurate information. Writing under date of Sept. 5, 1934, he said: "An unofficial estimate has it that no fewer than four-fifths of the young lawyers in key places at Washington at this time, owe their appointments to Dr. Frankfurter's recommendations."

The late Senator from Minnesota, Thomas D. Schell, whose tragic death last December removed from the Congressional lists a valiant cham-

pin of American Constitutionalism, regarded Frankfurter as a pernicious influence in American politics. He said: "Presume 'Karl Marx' Felix Frankfurter lives at the White House and writes every important speech and message delivered by Roosevelt in his close confidence and advice." (From Congressional Record, September 10, 1935.)

To the same end, Paul Mallon in "Chicago Daily News," June 22, 1935, says:

"The spare figure of Prof. Felix Frankfurter, liberal lawyer-economist, darted in and out of the White House corridors on several occasions just before President Roosevelt sent his wealth-sharing tax proposals to Congress. This same Harvard counselor paid several visits earlier to Hyde Park while the president was there, although none noted his presence except the spouters in the trees. Also unrecorded were simultaneous calls at both places of Prof. Roy Moley, the weekly Roosevelt of the New Deal viewpoint."

Paul R. Lusk in "Chicago Daily News," Aug. 1, 1935, says:

"Prof. Frankfurter and Mr. Moley's names never appear on the White House calling lists, as they are personal callers, come and go as will."

Mr. Lusk adds an illuminating side-light on the secrecy of the "Hit Dogs":

"Bryant F. Cohen, attorney for PWA, upset the conference meetings on the utilities bill in the unprecedented gaffe of insisting, supported by the Leftist Senator Wheeler of Montana upon sitting in the conference. Three meetings are truthfully executive sessions with none but conference present."

W. M. Kiplinger writing in "Nation's Business" for August 1935, says:

"Frankfurter originally drawn into the policy council by Moley, is now a major influence with the President. Felix Frankfurter is professor of Law at Harvard. He has no government position, and he seldom appears in the flesh in Washington. When he visits here he stays with Justice Brandeis and then he goes around to visit with the President. He carries to the Presidential Council the pattern of Brandeis' social and economic philosophy. . . . Frankfurter would allow business men to make profits, but would take the excess away by taxation. Taxation of Profits is Brandeis's Frankfurter idea."

...in January 4, 1935, President Roosevelt said: "I am not a radical, but I am a radical in the new order of things." Expecting on this text, the *Washington Post* of Nov. 2, 1935, James T. Williams, Jr.

"This so-called 'new order of things' was set forth in a book by an English radical who completed it in one month to the day before the administration took office.

"The motto of the radical English professor is Dennis W. Broom. The forward to his program for the so-called 'new order of things' was written by another radical English professor — Harold A. Laski, who praises Broom as highly as Broom praises the radical professor at Harvard University — Felix Frankfurter, whom Hugh S. Johnson has declared in the *Saturday Evening Post* to be 'the most influential single individual in the United States.'

"The reason Professor Frankfurter is so powerful, as given by Gen. Johnson in his illuminating article, is because Professor Frankfurter's 'boys have been inducted into obscure but key positions in every vital department' of the government at Washington."

Mr. Williams goes on to point out that one of Frankfurter's radical colleagues in Harvard commends the Broom book as a preferred guide in the study of government, for future Frankfurters to whom (quoting Gen. Johnson) "the Constitution is just a foil for clever fencing." He takes pains to show that the English radical's bias is the inspiration of the New Deal attempts to Europeanize the American system and over throw the representative form of Government for which the American Constitution provides.

The steps the English radical would take, he quotes as follows:

First — More Power for the President of the United States.

"He should be freed from the necessity of Senatorial confirmation of appointments. He should have greater positive and negative financial powers.

"He should have an absolute veto over constitutional amendments proposed by Congress and the right to propose his own direct legislative for the country, whether or not Congress opposes."

Second — Less power for the Supreme Court of the United States. Mr. Williams says that "what Radical Broom means by this is clearly set forth in Radical Laski's foreword, in which he commends Broom's

advocacy of change in the American system that will establish "the absolute supremacy of the legislature over the judiciary."

The astounding inconsistency of two radical allies, one an English Jew and the other presumably an Anglo-Jehovah, formulating a political system for America, which in the very nature of their hostility they denounce and would destroy! ! !

It is only extended in presumption by the Austrian Ghost-born assassin and those who lend him their ears to advocate policies that center on the brink of Treason!

Are the ethics of Machiavelli, of the poison cup and the guillotine, or the wisdom of Washington, Franklin, Madison and Marshall to prevail in America?

As a summation of this brochure, we can do no better than to quote the brilliant editorial from the pen of Mr. Thompson that appeared in *William Randolph Hearst's "New York American"* of November 7, 1935, under the caption: THE "HAPPY HUT DUOS":

Felix Frankfurter, Professor of Law in the Harvard Law School, holds no public office, either elective or appointive, in this country.

He cannot be President of the United States because he was born in Vienna, Austria.

Yet this man, who holds no Government position, who is unknown to most people, who lives far away from political life on the campus of a college law library, who is a foreigner by birth, "is the most influential single individual in the United States" according to General Hugh Johnson, who, because of his former close relations with the Administration, knows whereof he speaks.

• • • • •

This Frankfurter — this alien man, brought up in his early years, at least, in an atmosphere where political liberty and the shrill of Jeffersonian democracy were regarded as criminal — is the dominant ear whisperer, the sage, of this Administration.

It is from Frankfurter who has lived for days in the White House, that the Executive learns that guide this Administration commands.

The Administration today is surrounded by a ring of hatched Frankfurters who are known as "the Happy Hut Duo." Their talk was made when they bore the word "Moose." Frankfurter apparently brought with him to this country,

... personal capacity, an anti-Democratic, an anti-individualistic, a definitely European, mental and emotional set-up.

... an active member of the Communist American Civil Liberties Union.

And yet not only is this man generally credited with being the chief secret adviser of the President of the United States.

He is the author of many of the offending laws that have been thrust upon us.

In General Johnson's positive words, he is "the most influential single individual in the United States!"

But Frankfurter is not only all these things. He is also, without a doubt, the man who has directed storms of influential "try" jobs in the present Government at Washington.

Some of these "Happy Hot Dogs" are Alger Hiss, Paul Freund, Ben Cohen, Charles E. Wyzanski, Thomas Elliott and Jerome Frank.

That a man of Felix Frankfurter's makeup, whose formative years were passed among cliques and gossip-mongers, should want to dominate the United States of America is quite understandable.

Quite naturally, these Administration "Happy Hot Dogs," under the guidance of these alien-minded men from Vienna, look on us, as General Johnson says, as "the victims of a vast racketeering in which business or any private enterprise are just elements to be absorbed."

But that such a state of affairs could come to pass in the hundred and fifty-sixth year of the Republic with a President of old American stock in the White House is rather understandable, too natural.

## FINIS

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# TIME

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## NATIONAL AFFAIRS

### THE PRESIDENCY

#### Personal Problem

Behind the public splendor over his inauguration program (see p. 15) President Eisenhower worked long & hard but with only a twinkle, more immediate problem—his. He had made it his peculiar personal problem when he asked and got from Congress \$2,000,000 and the right to spend it in his own way. With this he had finally in hand, his promise to the country was to and the debt and give 1,000,000 dollars each job. And by last week he was up against a hard arithmetic fact: \$2,000,000 divided among 1,000,000 jobs gave only \$2 per job.

Debut later is only a fraction of the cost of a job. Secretary of the Public Works, by his own estimate average \$2,000 for every man employed because steel, cement, lumber and other heavy materials have to be bought for such purposes. Obviously President Eisenhower could have to cut down on the number of jobs he would be able to give out of his \$2,000,000 or else he would have to strike out all expensive materials from his schedule and thereby reduce the kind of work offered almost to the level of the old WPA. He had a great personal problem for a great day on his inauguration day. Mr. Eisenhower had said and the way before. When was it that one of his \$2,000,000 jobs had been allocated the President had said, "I want to every about the average amount of his personal. Early last week when Harry Hopkins had his state-relief conference in Washington, the President emphasized that one must be able to about \$2,000 a year. How does that when Eisenhower of Mr. John F. Kennedy (concerned his Regional Board of Regional Development) the President made there a little speech, reminding them for study of that figure which was giving to give a part in his own thoughts. He had a great challenge your imagination."

Making jobs of his own materials last week challenged all New Deal project makers. Mr. Eisenhower said that if he could get steel and other to put up with the cost of public works he could get his own down to \$2,000 a year. But steel and other are too hard pressed to keep at the charge. The President was working but thinking.

He was going eventually to Harry Hopkins. He was going to put a new payroll of a cost and paper in it. (for a rate for at work is looked as and get an abundance

of wooden bridges, sidewalk and sewer repair, tearing chemical companies and a come-taking on practically everything from steel paper plants to the number of unemployed.

Q. Carefully reading a memorable chapter of New Deal history, the President had Donald Ruckelshaus as his own. He had been (perhaps) back to private life.

Q. Showing a train was right, Franklin Roosevelt was asked to New London. There on the Thames, aboard the *Argo*, he entertained his old friend John F. Kennedy. To the President on the Harvard professor concluded that he had been asked to furnish a list of important works that he had never read. Dr. Franklin's list:

1. The I. A. Commission
2. The Report by Earl Marx
3. The Report of the

Q. Having over Harvard (reformer and the point carry-over which Franklin D. Roosevelt had 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The image is a high-contrast, black and white photograph. A large, diagonal, textured band, resembling a woven fabric or a grid pattern, runs from the top right towards the bottom left. The background is dark and grainy. In the bottom left corner, there is a white, irregular shape that looks like a torn piece of paper or a label. This white shape contains some faint, illegible text, which appears to be a list or a set of instructions, possibly related to a technical drawing or a manual. The overall image has a high-contrast, almost abstract quality.

**John Frankfurter** — the "Harvard Liberal" — Born in Vienna, Austria, 1862, came to the U. S. at age of 12. Grad. N. Y. City College, and Harvard Law School. Admitted to bar, 1901. Has held numerous important public offices, including Assistant U. S. Attorney, southern district of N. Y.; Special Asst. to Attorney General. Asst. to the law officer, Bureau of In-

September 11, 1938

terior Affairs. Money mediation commission; Sacco-Vanzetti investigation; Asst. to Sec'y of War Baker; Asst. to Sec'y of Labor; Chairman of War Labor Board.

Professor of Law, and Administrative Law, Harvard Univ. since 1914. 1911 became Exchange Professor at Oxford Univ. (England) and was there known as the "President's unofficial ambassador to Great Britain."

Both the Lusk and the Fish reports expose his radicalism and revolutionary philosophy. For over 30 years has defended noted Reds. Former President Theodore Roosevelt denounced him for writing misleading documents in the Babcoo I. W. W. deportation case. Generally credited with being the master legal mind of the "New Deal."

(Continued on page 4)

It is well to note that the names used by such writers are not to be assumed to be the names their parents

(Continued from page 3)

Member of governing bodies of Amer. Civ. Lib. Union; Popular Gov't Lg. Foreign Assoc'n; Sacco-Vanzetti Defense Com.; Save Our Schools Com.; Internat'l Com. for Political Prisoners; Labor Education Bureau Com. on Cultural Relations with Latin America; Amer. Assoc. for Labor Legislation; Contributor to The Nation, Current History, New York Times and other liberal publications.

Associates: Rabbi Wise, Gustaf Hays, Paul H. Douglas, Robert M. Hutchins, Harry W. Laidley, Paul U. Kellogg, John Dewey, Walter Frank, Justice Brandeis, Frank P. Walsh and others of extreme leftist tendencies.

Erskine Caldwell — Communist writer — Signer of "Cultural and the Cross

ing Liberty" National Writers Congress (Methodist Fed. for Social Service); Prof. Newton Arvin, Sidney Howard, Prof. Fred L. Schuman (Univ. of Chicago), Bruce Crawford, Sherwood Anderson, John Dos Passos and Theodore Dreiser.

Jack Conroy — Communist writer of rather fair stuff — Contributor to "Left Front" and editor of "Arise" (Modern's Mo.) Special lecturer Com.

Following is a prepared statement which I gave as Director of the League for Constitutional Government before the sub-committee of the Senate Judiciary Committee, opposing the confirmation of Mr. Felix Frankfurter. During the testimony, the report was somewhat expanded and I was able to include the following statement:

There is no available evidence that I know of in which Mr. Frankfurter has ever in any way criticized any of the propaganda or legal activities of the American Civil Liberties Union and, therefore, as a member of the National Committee he definitely approves their activities.

My testimony was prepared in a great hurry and, as I only had about fifty minutes before the committee, it was impossible to include all the evidence that should have been included. However, other individuals opposing the confirmation of Mr. Frankfurter's nomination submitted additional valuable testimony which at some future date should be available through the Government Printing Office.

January 11, 1939.

John B. Snow, Director  
League for Constitutional Government

. . . . .  
MEMORANDUM OF FELIX FRANKFURTER

To the Subcommittee of the Senate  
Committee on the Judiciary:

Before I present what information and material I have and on which I base my opposition to the confirmation of Mr. Frankfurter by this Committee, I would like to state that this is the first time I have ever appeared before a Congressional body and it was only because of my belief of the seriousness and the dangers in confirming this man to the Supreme Court that I am here today. I hope the presentation of this testimony will be in the proper form.

Before I proceed further, I would like to state that it is my firm belief that the Executive officer of the government should have the right to nominate any individual he sees fit and it is more than natural that he would desire to pick individuals who are in complete accord with his policy. However, the Constitution of the United States provides that the Senate of the United States has the right and duty to pass on certain executive appointments. This provision of the Constitution was made so that it would have a restraining influence on the Executive Department so that through the power of appointment the Executive could not appoint individuals who did not have the confidence of the American people expressed through their elected Senators.

The Executive has now nominated Mr. Frankfurter to the Supreme Court and it is the duty of the Senate to pass on the advisability

and fitness of Mr. Frankfurter. Unless the Senate and this committee carefully consider the advisability of Mr. Frankfurter being appointed to the Supreme Court they are not fulfilling their constitutional duties to their constituents or would they be carrying out the spirit and the letter of that great document.

I oppose the confirmation of Mr. Frankfurter for two main reasons:

First, because he is imbued with collectivist ideas of government and that he and many of his followers seem equally in favor of economic planning. Both of these ideas are completely foreign to the American System of government based on individualism.

Secondly, Mr. Frankfurter for twenty years has been a member of the National Committee of the American Civil Liberties Union.

If my testimony is sufficiently well documented and I can prove the two reasons why I do not believe Mr. Frankfurter should be confirmed, I believe that I will have established sufficient evidence before your Committee to warrant his rejection to this high office.

From the standpoint of his collectivist ideas this Committee should, I believe, accept the statements of individuals who were closely associated with him in two of the alphabetical agencies which were rendered unconstitutional by the Supreme Court. First, let us see what George H. Peek, former Administrator of the AAA has to say. I quote from page 23 of his book entitled "Why Quit Our Own?"

"I only know that in the legal division were formed the plans which eventually turned the A.A.A. from a device to aid the farmers into a device to introduce the collectivist system of agriculture into this country. This was due to Jerome Frank—probably acting as a spearhead. He was a lawyer who had practiced in Chicago and New York and had come to Washington, at he told me, at the request of Felix Frankfurter."

On page 13 he states:

"The socialists or, more strictly, the collectivists seemed--for nothing was in the open--to be headed by Felix Frankfurter, Rexford G. Tugwell, and Jerome Frank."

General Johnson, former Administrator of ISA, stated that Felix Frankfurter was the most influential single individual in the United States and that he headed "the nucleus of a vast collectivism in which business or any private enterprise are just elements to be absorbed."

At this point I would like to read into this memorandum an editorial appearing in the Washington Herald on November 8, 1935:

"The 'HAPPY HOT DOGS'

"FELIX FRANKFURTER, Professor of Law in the Harvard Law

3.  
school, holds no public office, either elective or appointive, in this country.

"He cannot be President of the United States because he was born in Vienna, Austria.

"Yet this man, who holds no Government position, who is unknown to most people, who lives far away from practical life in the recesses of a college law library, who is a foreigner by birth, 'IS THE MOST INFLUENTIAL SINGLE INDIVIDUAL IN THE UNITED STATES,' according to General Hugh Johnson, who, because of his former close relations with the Administration, knows whereof he speaks.

"This Frankfurter--this silent man, brought up in his early years, at least, in an atmosphere where political liberty and the ideals of Jeffersonian democracy were regarded as criminal--is the doctrinaire ear-whisperer, the LAX, of this Administration.

"It is FROM FRANKFURTER, who has lived for days in the White House, that the Socialistic ideas that guide this Administration emanate.

"The Administration today is surrounded by a ring of lined Frankfurters who are known as 'the Happy Hot Dogs.' Their tails wave madly when they hear the word 'Moscow.'

"Frankfurter apparently brought with him to this country, through pre-natal necessity, an anti-Democratic, an anti-individualistic, a definitely European, mental and emotional set-up.

"HE IS AN ACTIVE LEADER OF THE COMMUNISTIC AMERICAN CIVIL LIBERTIES UNION.

"And yet not only is this man generally credited with being THE CHIEF DETECTIVE ADVISOR OF THE PRESIDENT OF THE UNITED STATES.

"He is the author of many of the suffocating laws that have been thrust upon us.

"In General Johnson's positive words, he is 'THE MOST INFLUENTIAL SINGLE INDIVIDUAL IN THE UNITED STATES'!

"But Frankfurter is not only all these things. He is also, without a doubt, the man who has LIMITED source of influential 'key' jobs in the present Government at Washington.

"Some of these 'Happy Hot Dogs' are Alger Hiss, Paul Freund, Ben Cohen, Charles E. Wyzanski, Thomas Eliott, and Jerome Frank.

"That a man of Felix Frankfurter's makeup, whose formative years were passed among click-heels and goose-steppers, should want to dominate the United States of America is quite understandable.

4.

"Quite naturally, these Administration 'Happy Hot Dogs,' under the guidance of their alien-minded mentor from Vienna, look on us, as General Johnson says, as 'THE NUCLEUS OF A VAST COLLECTIVISM IN WHICH BUSINESS OR ANY PRIVATE ENTERPRISE ARE JUST ELEMENTS TO BE ABSORBED.'

"But that such a state of affairs could come to pass in the hundred and fifty-ninth year of the Republic with a President of old American stock in the White House is NEITHER UNDERSTANDABLE NOR NATURAL."

There is no question but that Mr. Frankfurter and the individuals he has recommended for office are thoroughly in favor of economic planning in this country, and in connection with this phrase "economic planning" I would like to submit an extract of the program of the Sixth World Congress of the Communist International adopted in Moscow in 1928:

"Provided the proletarian dictatorship carries out a correct class policy, -- i. e. provided proper account is taken of class-relationships, -- the technical and economic superiority of large-scale socialized production, the centralization of all the most important economic key positions (industry, transport, large-scale agriculture enterprises, banks, etc.) in the hands of the proletarian State, planned management of industry, and the power wielded by the State apparatus as a whole (the budget, taxes, administrative legislation and legislation generally), render it possible continuously and systematically to dislodge private capital."

Therefore, any legislation which furthers collectivism or economic planning such as has had the full support of Mr. Frankfurter has the ultimate aim of the destruction of our form of government based upon individualism and private ownership of property.

My second reason for opposing the confirmation of Mr. Frankfurter is because of his known connection with the American Civil Liberties Union. Mr. Frankfurter has been on the National Committee of this organization for many years. This organization has been investigated and condemned by --

A United States Senate investigation in 1940 (the Overman Report);

The Joint Legislative Committee of the State of New York Investigating Subversive Activities, 1923;

The Special Committee to Investigate Communist Activities in the United States of the House of Representatives, 71st Congress, 1930; and

The Special Commission to Investigate the Activities within the Commonwealth of Massachusetts of Communistic, Fascist, Nazi and other Subversive Organizations, 1936. These are duly constituted legislative investigations held in Washington, New York and Massachusetts.



The American Civil Liberties Union was also examined by the Navy Intelligence Section of the United States Navy; the following is an excerpt of the report of which was printed in the Congressional Record on September 10, 1938:

"American Civil Liberties Union. This organization is too well known to need description. The larger part of the work carried on by it and its various branches does undoubtedly materially aid communist objectives."

Probably one of the most devastating statements regarding the American Civil Liberties Union was made by Matthew Woll, vice-president of the American Federation of Labor, speaking at the New York Chamber of Commerce in New York City, December 15, 1936:

"This tendency towards the undermining of the loyalty of our citizens and the security of our Government in time of war, finds expression also in the activities of communists and their sympathizers, in the effort to undermine our Government in time of peace.

"The most aggressive movement in that direction is that of the American Civil Liberties Union.

"No American nor lover of liberty can subscribe to the doctrine contained in the declaration of the American Liberties Union that:

"Language unaccompanied by an overt act, even if the logical consequences of it lead to the commission of the act, is legitimate within our conception of free speech. For instance, the advocacy of murder, unaccompanied by any act, is within the legitimate scope of free speech - No man should ever be locked up for what he says. Let him advocate overthrowing the Government by violence. Let him advocate the destruction of property ---. The time to lock him up is when he actually starts to do anything."

"It must be clear to all that preparation for revolt against the State is as criminal as the attempt to carry it out.

"The foregoing fundamental doctrine of the American Civil Liberties Union can further but one end, and that is, to encourage constantly, the commission of crime and rebellion and it is the most effective shield communists could hope to find in our country in the promotion of their revolutionary propaganda and procedure . . .

"Another instance of pernicious, and strangely enough, successful activity of the American Civil Liberties Union, was its triumph in securing the peddling of the Bureau of Investigation of the United States Department of Justice. In accordance with the recognized practice of all civilized nations, our Government, through its various investigating bureaus, has kept itself informed of the activities and plans of communist and subversive movements seeking its overthrow.

"These protective measures so excited the inner circles of the American Liberties Union that its representatives rushed to Washington to interview Judge (now Supreme Court Justice) Harlan F. Stone, then Attorney General. Later they boasted and gloated in their literature and letters, that through their efforts in the name of 'civil liberty' they had succeeded in bringing about the discontinuance of such investigations of revolutionary activities. In fact, the Bureau was ordered to discharge all of its 'under-cover men', numbering about eighty. As a consequence our national Government is now without direct knowledge of activities in these subversive movements, through which it had previously been enabled to thwart many destructive plans before they came to fruition. Thus again has the cause of Communism been well served."

About five years prior to this incident, on May 27th, 1920, a group of twelve radicals of the self-styled National Popular Government League, made a public attack upon the U. S. Department of Justice which was a bitter and misleading statement of alleged illegal practices in connection with its activities in arresting, prosecuting and deporting alien revolutionists.

This report even attacked the right of the United States Government to use government funds to discover and deport Anarchists and Communists seeking its destruction.

A sub-committee of the Senate Judiciary Committee investigated the charges and found them to be false.

Among the twelve signers of these charges was Felix Frankfurter.

Roger Baldwin, who is one of the active heads of the American Civil Liberties Union and therefore intimately associated with Mr. Frankfurter on the National Committee, in the Thirtieth Anniversary Report of Harvard College, Class of 1906, published June, 1936, submitted the following statement under his name:

"I have continued directing the unpopular fight for the rights of agitation, as Director of the American Civil Liberties Union; . . . I have been to Europe several times, mostly in connection with international radical activities, chiefly against war, fascism, and imperialism; . . . My 'chief aversion' is the system of greed, private profit, privilege . . . I am for socialism, disarmament, and ultimately for abolishing the State itself . . . I seek social ownership of property, the abolition of the propertied class and sole control by those who produce wealth. Communism is the goal. It all sums up into one single purpose - the abolition of the system of dog-eat-dog under which we live, and the substitution by the most effective non-violence possible of a system of cooperative ownership and use of all wealth."

The same Roger Baldwin stated the Marxist position as it is generally understood by radicals when he said (The Socialism of Our Times, p. 77):

"Trade-unionism alone furnishes a class base of revolutionary power for the exploited masses."

"I would rather see violent revolution than none at all . . . Even the terrible cost of bloody revolution is a cheaper price to humanity than the continued exploitation and wreck of human life under the settled violence of the present system."

Although much information regarding the American Civil Liberties Union is contained in the official government documents I would like to call your attention to their "Program of Activities" for 1934, contained in their annual report published under the title "Liberty Under the New Deal":

"2. Campaign to support changes in the immigration and deportation laws to end all inquisitions into political and economic views, to protect alien political refugees in the United States and to admit aliens to citizenship regardless of their views on public issues."

Also quoting from page 9 of the same document:

"Despite the severely restrictive laws against aliens, the Department of Labor has liberalized its regulations at those points where laws do not interfere. The secret service section of the Department of Labor was abolished, alien students in colleges and universities were permitted to get work to help them through. For the first time in over ten years, radical aliens have been permitted to come to the United States as visitors. Two well-known Communists, Tom Mann and Henri Barbusse, were permitted to conduct lecture tours against war and fascism. Emma Goldman, deported anarchist, was allowed to return to visit her family and friends and to appear upon the lecture platform. A citizens' commission appointed by the Department to overhaul both laws and regulations, made specific recommendations for liberal measures which, however, were not introduced in Congress in time for passage. Deportations on political grounds have diminished. Lawless methods of agents of the Department of Labor have been firmly dealt with."

The recent Dies Committee has received a large amount of testimony and many exhibits of the literature put out by the American Civil Liberties Union from such responsible sources as representatives of labor and the American Legion. Before committing Professor Frankfurter to the highest court in this land it would seem incredible that the Senate of the United States should not thoroughly investigate this evidence and such as has been previously given before State and Congressional committees and such as can be given by the United States Army and Navy Intelligence sections.

After all, a man is known by the company he keeps. Mr. Frankfurter has been an intimate associate of individuals believing in the foreign and alien political and economic doctrines of collectivism and for many years has been a member of the National Committee of the American Civil Liberties Union, whose record on subversive activities have been fully known to the American people through many legislative

# **Frankfurter Is Appointed By Senate Subcommittee**



Felix Frankfurter (left) is greeted by Chairman Neely as he arrives to testify before a Senate Judiciary Subcommittee on his nomination to the Supreme Court. — Staff Photo

By JOHN C. MEYER

Appointment of Felix Frankfurter as a justice of the Supreme Court was approved this afternoon by a Senate Judiciary subcommittee.

With all members present except Senator McNamara, members of the subcommittee were gathered in a hearing room in the Senate building following a crowded and dramatic day hearing the nomination of Felix Frankfurter to the Supreme Court. The hearing room was crowded with members of the Senate and the public. Felix Frankfurter, 72, was seen in the hearing room for a photo on the wall in a dignified manner. He told them he felt it needed no explanation.

The recommendation of the subcommittee that the nomination be confirmed was made before the full Judiciary Committee on Monday. With nearly universal approval, they did vote on the Senate floor.

Felix Frankfurter and his counsel, Charles G. Johnson, headed with Subcommittee Chairman Neely of West Virginia and Judiciary Committee Chairman of Arizona after the subcommittee had voted.

In addition to Senator Neely and McNamara, the subcommittee included Senators King of Utah, Carlson of Texas and McNamara of California, Bennett of Idaho, Jones of Oregon and Senator of Connecticut, Connecticut and Senator of Minnesota, Minnesota.

Attended by witnesses during the past few days because of his illness, Frankfurter told them that he was ready to accept the nomination and that he was ready to accept the nomination.

"I do not think you have any doubt as to my support of the Constitution and the Supreme Court," he said. "I have no doubt as to my support of the Constitution and the Supreme Court."

The full Senate is expected to vote on the nomination of Felix Frankfurter to the Supreme Court.

The following is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the City of New York, for the year 1911, as provided for by the Charter of the City of New York, Chapter 191, of the Laws of 1901, and Chapter 192, of the Laws of 1902, and Chapter 193, of the Laws of 1903, and Chapter 194, of the Laws of 1904, and Chapter 195, of the Laws of 1905, and Chapter 196, of the Laws of 1906, and Chapter 197, of the Laws of 1907, and Chapter 198, of the Laws of 1908, and Chapter 199, of the Laws of 1909, and Chapter 200, of the Laws of 1910, and Chapter 201, of the Laws of 1911.

Chairman. Study will be to determine the effect of the law on the economy of the country. The study will be completed by the end of the year.

The testimony of John J. ...  
... was accompanied by ...  
... from a man who delivered ...  
... the contents of a ...  
... where there was ...  
... The case was ...

[illegible][illegible]

Mr. [Name] stated the committee  
to discuss [Name] and with the  
the about [Name] and with the  
and with [Name] and with the  
with [Name] and with the

Other  
last week in a Feb. 2000  
the new York Herald Tribune  
the "The Times" for the other  
spiritual leaders in the "The  
Comment on Page One



The recipient of the letter from which the foregoing was taken now appears to be slated to fill the vacancy on the Supreme Court. Of course, one's activities are not always a criterion concerning his political beliefs. But, as a general rule, one usually supports people and movements that have his sympathy. Frankfurter's sympathy seems to flow towards allies who seek to overthrow American Constitutionalism.

### A Collectivist

Although Frankfurter aspires to be a member of the branch of government which is the main line of defense for the citizen against an autocratic paternalism, his own writings indicate that he does not believe in the American system requiring an independent judiciary.

For instance, in 1973, in the Spring issue of "The Yale Review," Frankfurter wrote an article which was entitled "Social Issues Before the Supreme Court." The following is quoted from page 486:

"But because, inextricably, the Supreme Court is also an organ of state-ship and the most powerful organ, it must have a seasoned understanding of affairs, the imagination to see the organic relations of society, and all the humility not to set up its own judgment against the conscientious efforts of those whose primary duty it is to govern."

"The wise and temperate scholar as the late Ernst Freund expressed this judgment after a lifetime's study of our government: 'It is entirely that a legislature will otherwise than through indifference violate the most basic and sacred rights of justice; gross miscarriages of justice are probably less frequent in legislation than they are in the judicial determination of concrete cases.' And the Supreme Court itself has told us that 'it must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts'."

Paul Frankfurter has devoted many of his talents and abilities to defending enemies of constitutional government. It seems a strange paradox that his name should be mentioned in connection with the Supreme Court which is never thought of except in association with the preservation of the American system.

### The "Little Red-Boys"

In addition to being one of the most influential persons behind collectivism, Frankfurter has extended his sphere of influence by recommending youngsters whom he had previously intellectually oriented as advisors for the New Deal. Among men whom he produced were Jerome N. Frank, Ben Cohen, David Lilienthal, Charles E. Spurgeon Jr., and Herbert Feis. These have been referred to in the press as the "hot-dog" boys.

He has been a member of the National Committee of the American Civil Liberties Union whose history is given at the end of this bulletin. Read "The Unfinished Revolution Behind the President," price 25¢, obtainable from us.

### Last He Preced

In 1938 Prof. Frankfurter was nominated for the Massachusetts Supreme Court but there was such a protest from 200,000 petitioners that he was forced to withdraw. Even the Governor's Council was six to two against him. All of Frankfurter's jobs have been the result of appointments. He has never held public office which required an expression by the voters deciding the choice of officeholder. This is more understandable when it is known that the American Civil Liberties Union distributed a book, "The Labor Injunction," written by Frankfurter and Nathan Greene. It is used as a handbook by those who desire to use our labor machinery in order to avoid legal penalties.

### FRANKFURTER AND THE SUPREME COURT

Many years ago there was a bombing which took place in California during a Free Speech Day Parade. Ten people were killed and fifty more were injured. One Tom McNay was sentenced to imprisonment. President Wilson later appointed a National Commission to look into the merits of McNay's plea for release. Frankfurter was appointed Counsel of this Commission and when he tried to enlist the efforts of former President Roosevelt, the latter sent him the following letter, dated Dec. 19, 1917:

"My Dear Mr. Frankfurter:

"I thank you for your frank letter. I answer it at length because you have taken, and are taking, on behalf of the administration an attitude which seems to me to be fundamentally that of Treason and the other high-level leaders in Russia, an attitude which may be fraught with disaster to this country."

"Your report is as thoroughly misleading a document as could be written on the subject. No official, writing in behalf of the President, is to be excused for failure to know and clearly set forth that the I.W.O. is a criminal organization."

"Here, again, you are engaged in activities which are precisely like the Russian visit in Berlin, who are murderers and the encouragers of murder, who are traitors to their allies, to democracy, and to civilization, as well as to the United States, and whose acts are nevertheless apologized for on grounds, my dear Mr. Frankfurter, substantially like those which you allege. In times of danger nothing is more common and nothing more dangerous to the Republic than for men - often ordinarily well-meaning men - to avoid examining the criminals who are really public enemies by making their entire attitude on the subject a matter of the public relations. We have been the victims of this kind of thing. This was done not only by Danton and Robespierre, but by many of their ordinarily honest associates in connection with, for instance, the 'September massacres.' It is not the kind of thing I care to see well-meaning men do in this country."

Sincerely yours,  
THEODORE ROOSEVELT."

### Please Tell Senator Burke

Senator Burke has recently come out with an endorsement of Frankfurter. Senator Burke led the fight for the preservation of the Supreme Court. Senator Burke's sympathies appear to be on the side of the American system. Will someone please acquaint the Senator with some of these facts concerning Prof. Frankfurter?







# FRANKFURTER SEEN AS CHOICE FOR HIGH COURT

Report Arouses Anxiety on  
Capitol Hill as Leaders  
Fear Split on Nomination

Summary report the Capitol yesterday that President Roosevelt has decided to name Felix Frankfurter, Harvard law professor and sponsor of scores of New Deal up-judgments, to the vacancy on the Supreme Court.

The President told his press conference he has reached his decision on the appointment.

**Anxiety Aroused**

The report aroused anxiety among Senate Administration leaders. They were said to have feared Frankfurter's nomination might not only be rejected in the Senate but would create a party split, jeopardizing the confirmation of Secretary of Commerce Harry Hopkins and Attorney General Frank Biddle.

The President said he would send the nomination of Hopkins, Murphy and other to the Senate tomorrow.

**Smith Opposed by AFL**

Mr. Roosevelt made plain to his audience of establishing responsibility of Smith, against whom the American Federation of Labor and the railroad unions rallied to oppose his nomination.

The AFL has argued Smith of late is leader of the Congress of Industrial Organizations.

A conference between the President and CIO Chairman John L. Lewis yesterday was attended by several top executives of the CIO.

Mr. Roosevelt said he was not sure of the Senate's reaction to the nomination.

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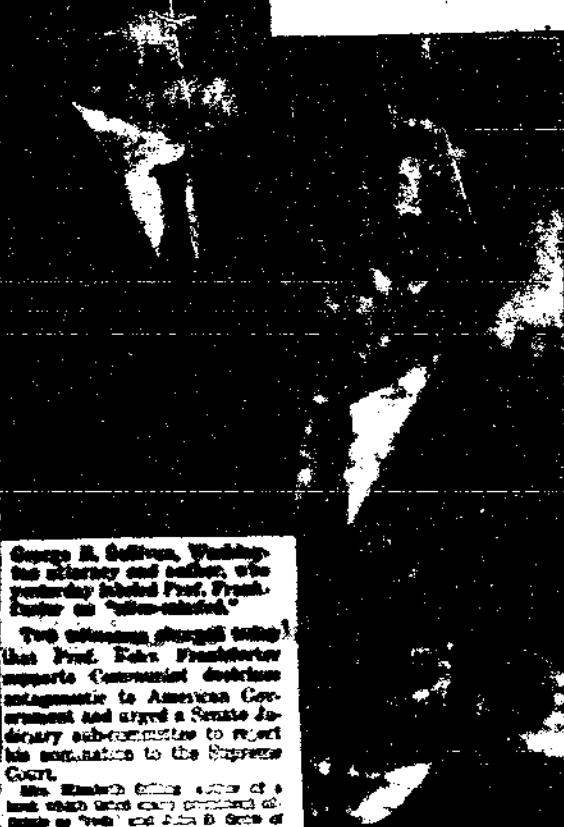
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# Frankfurter a 'Red,' Says Authors



George A. Sullivan, Washington attorney and author, who yesterday labeled Prof. Frankfurter as "alien-minded."

Two anonymous pamphlets today that Prof. Felix Frankfurter supports Communist doctrine antagonistic to American Government and urged a Senate Judiciary sub-committee to reject his nomination to the Supreme Court.

Mr. Sullivan called a book which said that Frankfurter is a "Red" and "alien-minded."

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Colts Bold, the "whole world" of the Constitutional framers of America, who yesterday protested Prof. Frankfurter's appointment.

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# FRANKFURTER A 'Red,' Says Authors

On the Liberal Tradition  
of His Old Friends

WITHHELD COURT BILL AND

Known as an Independent, His  
Appointment Was Favored in  
Full of American L. years

As a justice of the Supreme Court, Felix Frankfurter will carry on the liberal tradition of the late Justice Oliver Wendell Holmes and William Brandeis, who were his close friends.

He is noted for his intellectual independence. Although he has been the intimate friend and advisor of President Roosevelt throughout the New Deal, he withheld his support from the President's nomination to the Supreme Court.

A survey conducted by the American League of Public Opinion and Attorney General Biddle, Prof. Frankfurter was the leading choice of American lawyers for the Supreme Court vacancy.

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# FRANKFURTER REPORT STIRS THE PRESIDENT

He Says He Has Made No  
Decision on Court Nomination

WASHINGTON, Jan. 4. — President Roosevelt said yesterday that he would appoint Felix Frankfurter to the Supreme Court, according to Justice Cardozo with the announcement today that he had made no decision regarding nomination.

The Chief Executive appeared slightly rattled when asked about a report that he had intended to

also share of his intention to appoint the Harvard law professor to the court. However, he seemed shocked when the question was asked to other members and he played his usual good humor.

Mr. Roosevelt began his first press conference of the year by welcoming reporters present a happy New Year. Then he apologized for having delayed the meeting for some time, saying that the reason was his determination to make good a promise to Congress. "I think," he said, "that I could have had the message to Congress on the first day of the year, but the press conference has been so busy."

The President took on a humorous report when the President said the nature of a conversation he had with Governor Roosevelt of the said it was on the subject of liberal democracy.

**Felix Frankfurter  
Again to Fore in  
Court Speculation**

WASHINGTON, June 10 (AP)—Felix Frankfurter, 71, is expected to be named to the Supreme Court by President Truman, according to a source familiar with the White House. The source said that the President is considering several names, but Frankfurter is at the top of the list. Frankfurter, who has served on the Supreme Court since 1955, is known for his liberal views and his close relationship with the President. The source said that the President is looking for a justice who can provide a liberal voice on the Court. Frankfurter is seen as a strong candidate for this role.

**Book Praises U.S.  
They Deserve More Pay**

**WINTER**

**THE**

With some of the best books on bookkeeping, this book is a must for every bookkeeper. It is written by a leading expert in the field and is highly recommended by the American Institute of Accountants. The book is available in paperback for \$4.95 and in hardcover for \$7.95. It is a comprehensive guide to bookkeeping and is suitable for both beginners and experienced bookkeepers. The book is written in a clear and concise style and is easy to read. It is a valuable addition to any bookkeeper's library.

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**Constitution Quite Flexible,  
Is Frankfurter's Philosophy**

New Justice, born in Vienna to Jewish Parents, Is Known for His Brilliance

WASHINGTON, June 10 (AP)—Felix Frankfurter, 71, is expected to be named to the Supreme Court by President Truman, according to a source familiar with the White House. The source said that the President is considering several names, but Frankfurter is at the top of the list. Frankfurter, who has served on the Supreme Court since 1955, is known for his liberal views and his close relationship with the President. The source said that the President is looking for a justice who can provide a liberal voice on the Court. Frankfurter is seen as a strong candidate for this role.

The image shows a newspaper page, tilted diagonally. The page is filled with dense, illegible text columns. A large, dark, irregular shape, possibly a shadow or a piece of tape, covers the upper left portion of the page. The overall image has a grainy, high-contrast appearance.

The image shows a newspaper page at a steep diagonal angle. The text is rendered in a high-contrast, black-and-white format, making it largely illegible. The layout includes several columns of text, with a prominent headline or sub-header visible in the upper left quadrant. A small, dark, irregular shape is present in the bottom right corner of the page.

**Figure of the Week**

Felix Frankfurter

Figure of the Week  
Felix Frankfurter



**A** FOREIGN BORN AMERICAN cannot be President, but he can become a naturalized citizen.

[illegible]

**Save Us  
Twenty  
Cents**

The Milk House  
January 5 - 1931

To the  
Genl. of the United States Army

I nominate Mr. J. H.  
St. John as member of the  
Board of Directors of the  
Milk House.

Franklin D. Roosevelt  
President of the United States

**Frankfurter Uncle  
In Vienna Proud**

[illegible]

**Uncle**



# GOV. RLY WITHHOLD FRANKFURTER LETTER Upset Professor Questioned Resignation Declaration of Ap- pointment to the Bench.

BOSTON, July 21.—It became known today that Professor Felix Frankfurter had sent his letter, declaring appointment as an associate justice of the State Supreme Court, several days and possibly two weeks ago. No definite date of the letter's receipt was given out, but it was admitted at Governor Rly's office that he refrained from making the letter public for days in the hope that the professor might be prevailed on to change his mind.

Hundreds of letters had been written to the Governor congratulating him on the appointment and in view of their publication, it is believed that the Governor hoped that they might convince Professor Frankfurter that his duty lay to the State rather than to the Harvard Law School.

"I was sorry to announce," said Governor Rly, "that Professor Frankfurter could not accept the appointment. While I respected his reasons I was not convinced he was right. It may be said I should not have acted in the matter without positive assurance of acceptance, but from the fact that so many able men accepted his appointment, his chances of acceptance appeared very good and in any event I recognized that there was no chance of his accepting unless he came to the Governor."

The Governor's statement and Professor Frankfurter's letter of withdrawal indicated that the commission had been made without any consultation between them. The Governor had known for two weeks of the professor's intention to accept the appointment.

# Dr. Saxton Frankfurter Pupil Heads G. O. P. Research Staff

## Vietser Announces 50 Professors Have Been Hired.

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The committee announced that the professors would be hired on a temporary basis for the purpose of conducting research into the Federal Reserve System. The professors would be hired from various universities and would be paid for their services.

The committee also announced that the professors would be hired to study the Federal Reserve System in connection with the proposed Federal Reserve Bill. The committee hoped that the professors would be able to provide the committee with valuable information on the Federal Reserve System.



DR. S. H. SAXTON  
—G. O. P. Photo.

# VOICE OF THE PEOPLE Editorial: FRANKFURTER 11/1/1936

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# DR. FRANKFURTER CHANGING COLORS Varies With Presidents; 'Boys' Deep in Brain Trust

By JOHN T. LAMBERT

The extraordinary influence which Prof Felix Frankfurter exerts in the Roosevelt administration is a cause of wonderment except to those who know him best.

Professor Frankfurter is a Jew and a Catholic. He was born in Vienna, brought to this country when he was 12 years old, and has since then been a citizen of the United States. He is a member of the Harvard Law School, and has been a professor of law at Harvard for many years.

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Frankfurter, Felix

Harry—newspaper clipping, "To Aid Negroes to Safeguard Rights"

**Felix Frankfurter of Harvard Says That Government Must Call  
More and More on Disinterested Men of Skill and Wisdom**

It was not long before the two humble Italian business world figures, Morozini in their behalf poured into Boston and Washington from foreign countries. Professor Frankfurter devoted himself to the vain effort of saving Russo and Tammali from the electric chair not because they were radicals and irrespective of their conscience or guilt but because in his opinion they had not had a just trial.

"In the past we would solve our problems on the basis of feeling and rhetoric but feeling and rhetoric will not serve as guides in solving our present problems. The organization of industry the con-

"The difficulties of our social and economic problems are not going to grow less. They are going to become more complicated as time goes on. If government is to be equal to the responsibilities it must grow more and more an arena of skill and wisdom for public administration. Our institutions of higher learning must be training schools for public service, not through stillarian courses but by the whole sweep of their culture and discipline."

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SECRET

Reverberations from their villages or hope to learn their trails as wanderers or bandits in the big towns, and as a rule do not return until they have saved enough money to enable them to expand the rest of their days in Capitalist leisure. The peasants who travel by steamer from Shanghai to Hanks will learn that the villages which dot the Nile bank are inhabited mainly by women and boys. The few grown men will be picked up and discharged immediately in the walls of their homes, always the gleams of the desert, are admitted where Chinese men (even in Europe) wear the old cap which can be identified as European dress. Chinese women or girls whose Chinese parents themselves have died.

"Whenever I have a messy clean-up job, I just grab a Scott's towel—and it's done in a jiffy. I use them for wiping greasy pots and pans, keeping the sink spark-and-shine, wiping up spilled foods. They're fun for drying hands. And so convenient for drying wet hands—for there's nothing to be washed or rinsed out afterwards."

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1. **1999-2000**  
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23**

## FRANKFURTER IS BACK IN THE NEW DEAL

### Receives Roosevelt Nightly as White House Guest; In 'Key' Place

Contrasted by political pundit Thomas Corcoran, whose advice was given to the President, Frankfurter has been a key figure in the White House since his return from Europe. He is now in the White House as a key figure in the President's inner circle.

Mr. Frankfurter now occupies the key position formerly held by such close presidential advisers as Raymond Moley, at one time "Brain Trust" member, and later by Donald Ruggles, who was known as the "Assistant President." Both Mr. Moley and Mr. Ruggles followed Frankfurter in their positions, and were regarded as key figures in the President's inner circle.

During his long association with the President, Mr. Frankfurter has been a key figure in the President's inner circle. He has been a key figure in the President's inner circle since his return from Europe.

Although he has been known for some time as an outstanding member of the "Brain Trust," Mr. Frankfurter has preferred to remain in the background and is understood to have declined offers to enter a Government office. He has been a key figure in the President's inner circle since his return from Europe.

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**2** **GOOD** **1**  
**EXTRA**  
**GARMENTS**  
LADY'S TO BE HUNG . . . 25  
MAY'S

## C. O.

### FRANKFURTER'S VIEW SOUGHT ON COURT

Senate Foes of Reform  
Also to Call Rich-  
berg, Rosenman

By WILLIAM H. HUTCHINSON  
International News Service

Foes of President Roosevelt's proposal to enlarge the Supreme Court today proposed to invite Prof. Felix Frankfurter of Harvard, a prominent adviser to the President, to express his views on the subject.

Opposition leaders believe Frankfurter will oppose the plan to expand the Court. They say the Court is already overburdened and that any expansion would be a waste of money.

The opposition also pointed to the fact that the President's plan to expand the Court was a surprise move.

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## FRANKFURTER IS ATTACKED AT D. A. R. MEETING

Continued from Page One

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## Norris Urges Appointment of Frankfurter to Court

Harvard Professor "Fully Represents Philosophy of Justice Holmes and . . . Cardozo," Says Nebraskan

WAUPACA, Wis., Aug. 8.—Sen. George W. Norris, Nebraska independent and liberal, recommended today that President Roosevelt appoint Felix Frankfurter, Harvard law school professor and original New Deal "brain-truster," to the United States Supreme Court to succeed the late Justice Benjamin Cardozo.

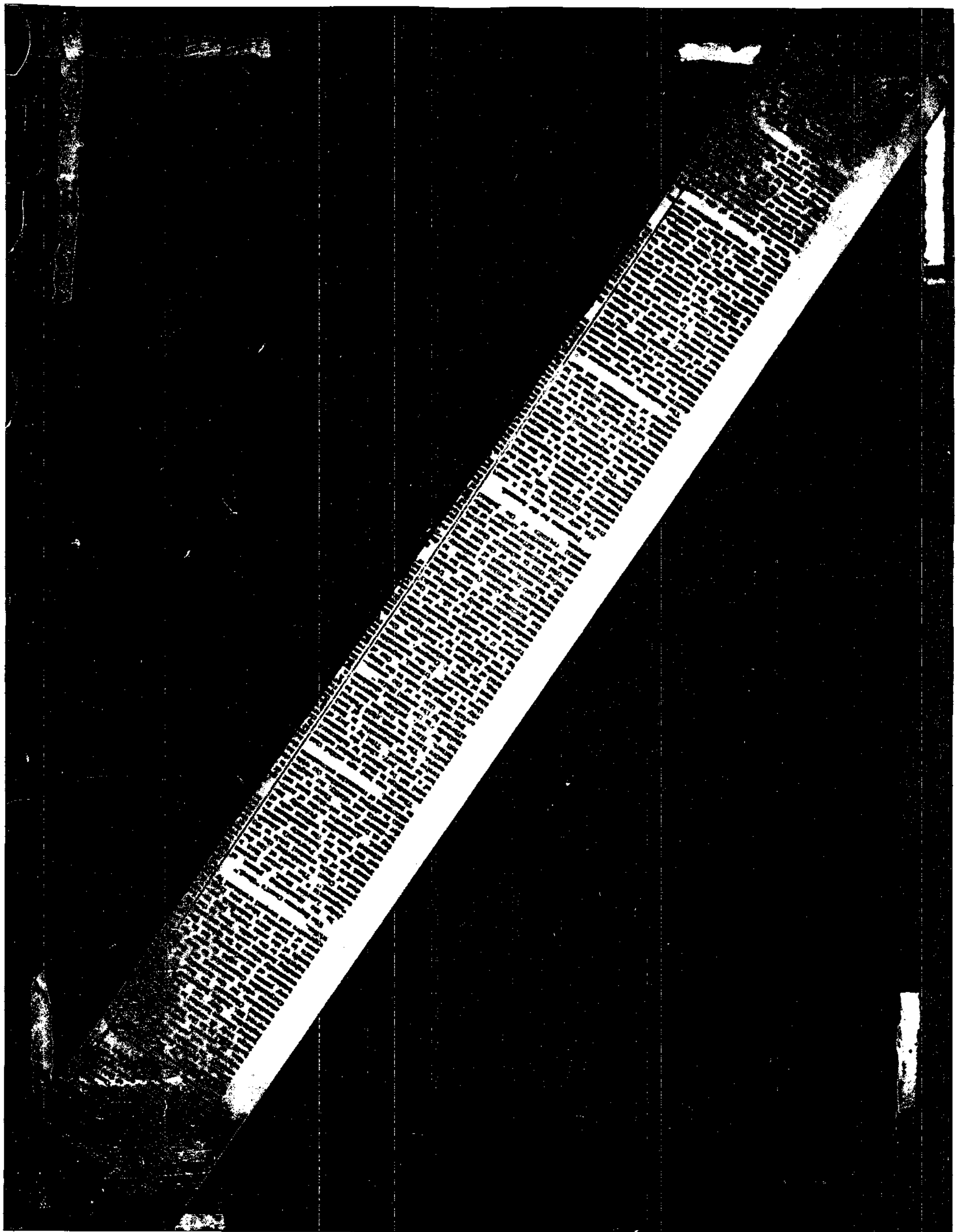
His recommendation was made in a statement issued at his summer home here, where he is vacationing with Mrs. Norris.

Mr. Frankfurter has been a close friend of the President since they met in the White House during the World War. He is regarded as one of the country's greatest minds on the subject of government and law.

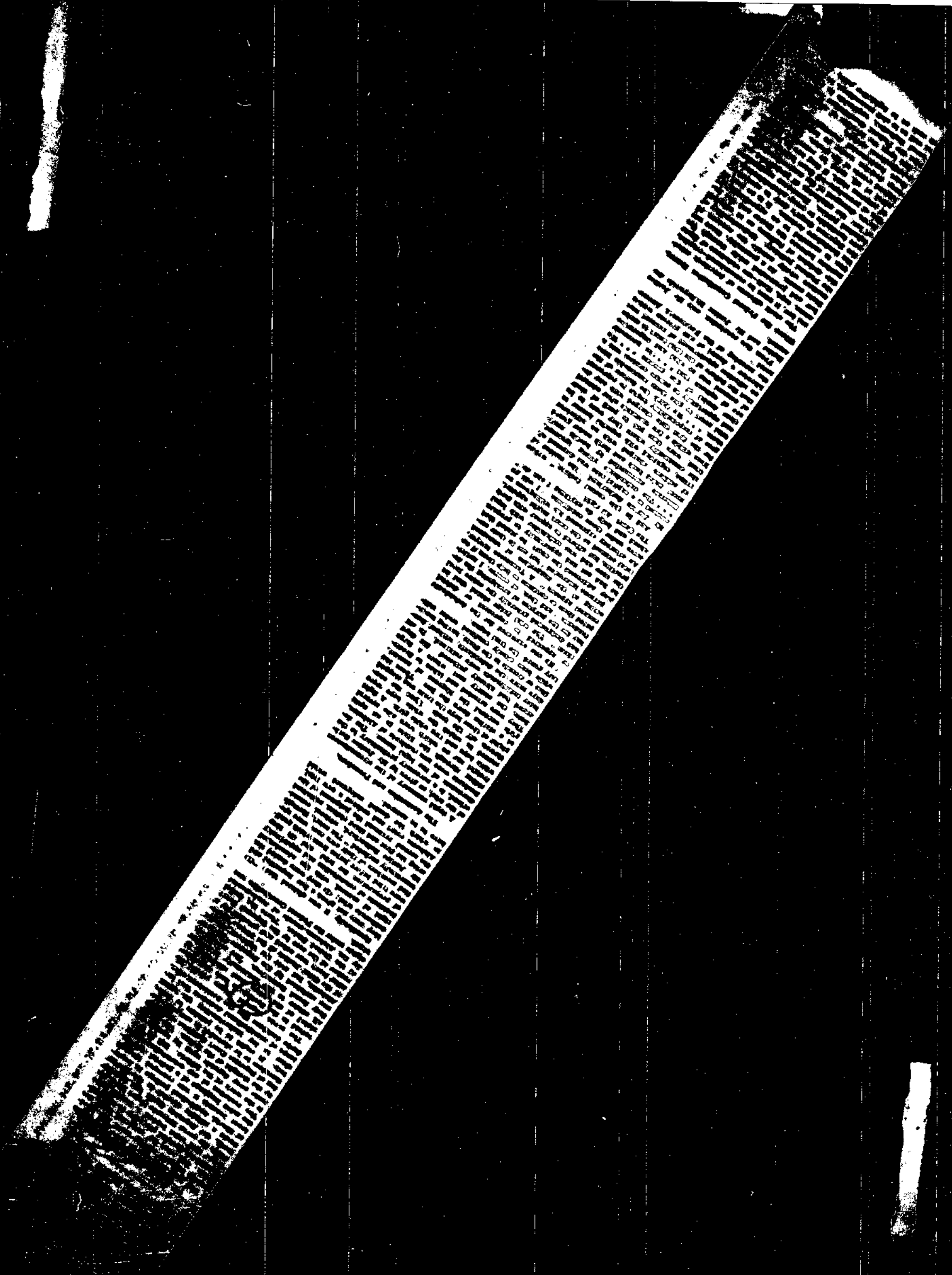
Sen. Norris said: "There is no man in the public eye who so fully and truly represents the philosophy of government of Justice Oliver Wendell Holmes and Mr. Justice Brandeis as Mr. Frankfurter."

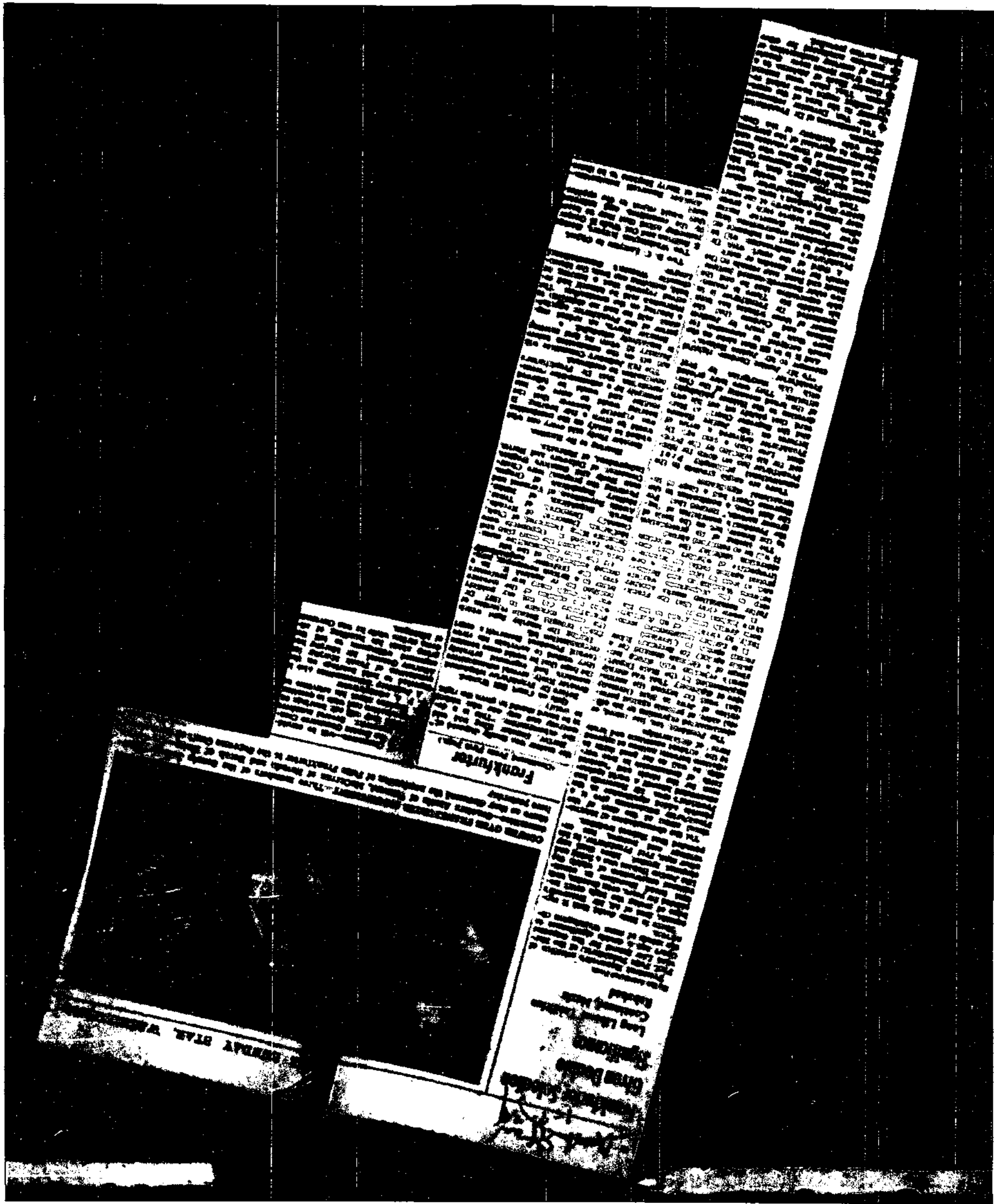
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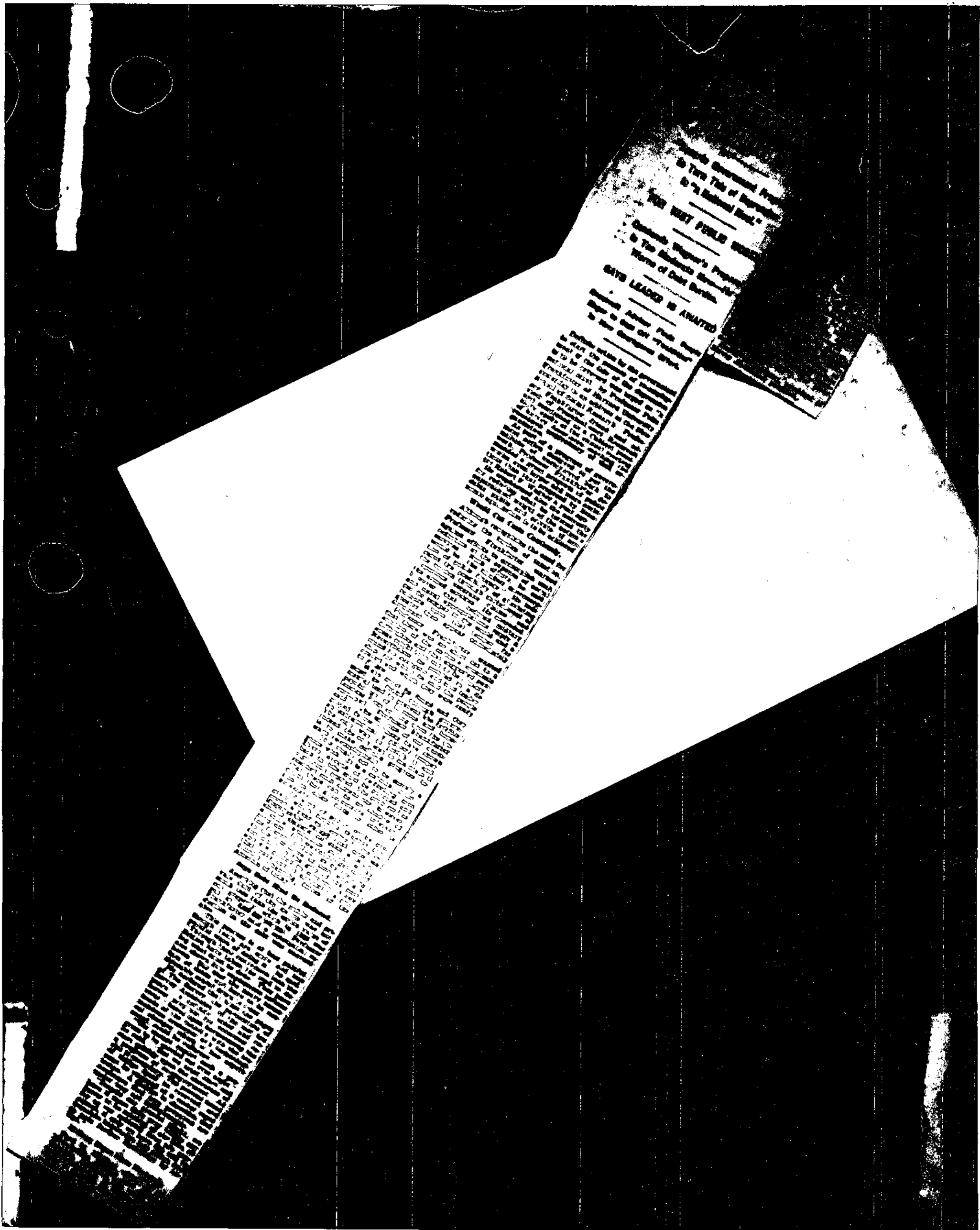
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## 'Bad Network' Author Also Assails Roosevelt, Harris, Glenn Frank, Four Justices

Franklin Roosevelt has attended outside the Supreme Court through appointment of two liberal justices. Black and Brand, as plus of two conservatives. Re-elected will Vice President. Now he is maintaining liberal balance by appointing Fred Vinson to succeed John Justice Cardozo. In many years one of the liberal majority on the bench.

According to application to Foreign Service, a military unit of the First Transformation to the Regimental Chief. The red-haired writer also has information to participate in various activities.

**Charges Aid in Communism.**  
Opening the second day's session, the District charged that the accused was "one of the great dangers to the free world."

[illegible]

One of such noted collectors  
granted two important suggestions  
that the commission "give me 10  
minutes" to talk about the Hous-  
ton family.

[illegible]

Domestic Machinery & equipment of  
various types are also in stock.  
Mr. [illegible] and  
[illegible] & [illegible] are  
[illegible] [illegible] [illegible] [illegible]

# Frankfurter

"Have you ever been enrolled in the Communist Party?" McCarthy asked.

"I have not. We have a book right between our hands that not represent my view of life or government."

The crowd again broke into prolonged applause.

McCarthy asked Frankfurter if he subscribed to the doctrine set forth in a book by Lord "Communism" written by Harold Laski, a personal friend of Frankfurter.

"Have you read the book?" Frankfurter asked.

"Just now," McCarthy said.

"What, then, would you regard as the Communist doctrine?"

"The advocacy of Communism."

"We would like a book and ask Frankfurter and it is impossible to decide what his doctrine is."

Then Frankfurter stood up to emphasize the lack of inquiry that Frankfurter interrupted and said that as a Supreme Court nominee he must not be thought to wish to express his views on controversial issues.

"I am not here to decide," he said.

"In the light of my entire life, which goes on I have to the American form of government."

[illegible][illegible]

Workers' Education Bureau of America." It's connection with the pre-Communist New School for Social Research and other Red groups is reviewed. Felix Frankfurter has also served on the Board of the radical New School for Social Research.

I have here a copy of the Communist Party's Chicago daily newspaper, the Daily Record, of January 6, 1939, eulogizing Frankfurter's "fine record" and printing his picture on the front page in connection with his appointment to the Supreme Court.

I have also a copy of the Communist Party's New York daily newspaper, the Daily Worker, January 6, 1939, with a picture of Frankfurter on the front page and a report referring to him as an "outstanding legal liberal whose influence has long been an important factor in New Deal policy making."

I have also a copy of the Communist Daily Record for January 9, 1939, reproducing on the front page the note sent to the Senate by President Roosevelt in which he nominated Felix Frankfurter to the United States Supreme Court. It would be interesting to know how the Communist Press secured the use of the President's personal letter to the Senate for reproduction. I have not seen such a reproduction in any other paper. The Communist Press confidently announces that confirmation by the Senate is expected.

The propaganda now being put forth is that the President should have the right to appoint members of the Supreme Court as he sees fit. However, the Senate set a precedent in May, 1930, when it refused to confirm the appointment of Judge John J. Parker of North Carolina to the Supreme Court Bench, voting 41 to 39 against confirmation, principally because, it was argued, that this appointment was largely for the purpose of strengthening the Republican Party in the South. How much greater is the issue of patriotism in the Frankfurter appointment than that issue of party factionalism!

The United States Constitution, Article III, Section 3, states: "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." Since it is clear from his record that the foreign-born Frankfurter has over a period of nineteen years, at least, been giving aid and comfort to the enemies of our American form of government, I beseech the Senate of the United States to refuse confirmation of his appointment to the Supreme Court Bench where he may exert his pernicious influence for life.

lines, a photo of his dynamite and dynamiting tools, his connection with Anarchist Beckman with whom he launched the Anarchist paper "The Blast" which advocated arson and assassination before the Preparedness Day Parade crime when a suit case of dynamite with a time clock was set about a half hour before the Blast, killing 10 and injuring 40 or 50 persons. "To hell with the Government" was the caption in The Blast when the paper was denied mailing rights by Federal authorities. Mooney's career was as an agitator not as a labor man.

On page 73 of Governor Ralph's report, denunciation of President Wilson's Mediation Commission in the Mooney case, of which Felix Frankfurter was counsel, appears, stating: "The report made by the Commission was bristling with falsehoods and added great strength to the Mooney propaganda."

Col. Theodore Roosevelt's scathing letter to Felix Frankfurter concerning his defense of Tom Mooney is often quoted but seldom given in full. It is a powerful and convincing letter in which Colonel Roosevelt says to Frankfurter, among other things: "Here again you are engaged in excusing men precisely like the Bolsheviks in Russia, who are murderers and encouragers of murder, who are traitors to their allies, to democracy and to civilization, as well as to the United States, and whose acts are nevertheless apologized for on grounds, my dear Mr. Frankfurter, substantially like those which you allege."

The American Civil Liberties Union formed a special National Mooney-Billings Committee and spent thousands of dollars for propaganda in behalf of this Red revolutionary.

The "Report Upon the Illegal Practices of the U. S. Department of Justice" was issued May 27, 1920 by Judson King of the radical National Popular Government League and signed by twelve lawyers, one of whom was Felix Frankfurter. This report was a bitter and untruthful attack upon the Department of Justice, charging wholesale arrests of Reds without warrants, cruelty to prisoners, forgery by agents to make out cases against "innocent" Reds, refusal to let prisoners com-

municate with friends, etc., etc.

In reply, Attorney General Palmer sent a telegram to the Popular Government League signers, saying: "Some of the aliens themselves have since denied the very statements which your committee filed. Your apparent willingness to believe these statements made by alien anarchists when facing deportation in preference to the testimony of sworn officers of the Government, whose only motive is the performance of duty, indicates some other desire on your part than just administration of the law."

The New York Times, June 2, 1920, quoted Palmer as saying of the lawyer-signers: "We find several of them appearing as counsel for Communist and Communist Labor Party members at deportation hearings. I have difficulty in reconciling their attitude with that of men sworn to uphold the Constitution of the United States."

When the Russian-American Industrial Corporation was launched by the Russian-born Red, Sidney Hillman, for the purpose of aiding the "economic rehabilitation of Russia, according to the leaflet issued by them, it was backed by Lenin and the Soviet Commissars Tchicherin, Rykoff, etc., by revolutionary Eugene V. Debs and by Felix Frankfurter. The Russian-American Industrial Corporation also launched a campaign with the Communist Friends of Soviet Russia to raise money for "starving children in Russia," although Commissar Litvinov stated at that time there was no famine in Russia. So many Communist funds raised for one purpose are spent for propaganda instead.

Frankfurter's other radical activities extend in many directions and could be taken up in detail.

I submit a photostatic copy of the Railway Review for March 3, 1923, reproducing the letterhead of the Workers Education Bureau of America, with Felix Frankfurter's name appearing on it, with this notation beneath it: "The teaching of socialism in the trade unions of the United States is the special task of the

(February 11, 1926) citing that attorney Harry Hoffman of the Communist Party's International Labor Defense was counsel for Jimba and concerning the legal proceedings, to quote: "He said that before deciding he wanted to confer with Roger Baldwin of New York, leader of the Civil Liberties Union; Professor Felix Frankfurter of the Harvard Law School, Lawrence G. Brown and others prominent in the Free Speech League and the Workers' Party of America."

The American Civil Liberties Union issued in May, 1927, a book called "Professional Patriots" which denounced all the anti-communist societies including the United States Flag Association, Allied Patriotic Societies, etc., and stated "what puts them all into the same discussion is that they all participate in the attempt to make of a noble word and emotion the hand made of greed and covetousness," and that they "degrade the name of patriotism to the service of the dollar." The "Constitution worship" fostered by the American Legion and Security League is sarcastically referred to. This book ran serially in the Communist Party's Daily Worker as Communist propaganda in June, 1927. It was endorsed by Felix Frankfurter. His endorsement appears on page 6 of the introduction of the book.

Frankfurter's endorsement of the Communist-controlled Loyalist Government of Spain appears on page 25 of a booklet entitled "Writers take Sides", issued by the Communist League of American Writers, in May 1938.

There is a reason why every governor of California for the last 22 years has refused to pardon Mooney and that reason is because the overwhelming evidence of his guilt prevented it until the radicals were able to elect their own man, Governor Olson, pledged to free Mooney.

Like the Sacco-Vanzetti case, the Mooney case has been used for worldwide Communist ballyhoo.

Mooney's letter to Stalin which is printed on the front page of the Communist Labor Defender magazine for November, 1932, thanks Stalin "For the

magnificent spirit of International working-class solidarity by the militant workers of Russia in defense of my fight for freedom, and for the freedom of all class war and political prisoners. Were it not for the Revolutionary workers of Petrograd led by our beloved comrade Lenin, in militant demonstrations before the American Embassy on April 25, 1917, I would not now be addressing these greetings to you. Thus my life was saved and my usefulness to the revolutionary working class preserved. It is my hope that these revolutionary greetings to you and through you to the Tailors of the Soviet Union will be presented to you in person on the Fifteenth Anniversary of the Russian Revolution by my dear 24 year old mother, who will be in Moscow on November 7, 1932 in the continued interest of the working class fight for my freedom from the Dungeons of American Capitalist Imperialism. All hail to the Russian Revolution and the Dictatorship of the Proletariat. I'm for it hook, line and sinker, without equivocation or reservation. Please accept my warm personal regards and best wishes, I am, Comradely yours, Tom Mooney, 31321."

I have a photostatic copy of a letter written by Tom Mooney threatening the Governor of Utah with violence unless he freed a fellow revolutionary, Joseph Hillstrom.

In a letter reproduced in the Daily Worker, September 12, 1933, the secretary of the Socialist Party is quoted as saying: "Tom Mooney was expelled from the English speaking branch of the Socialist Party of San Francisco in 1913 for the very same thing for which he is now in jail, for the advocacy of dynamiting. He later joined the Hungarian branch. In spite of this the Socialist Party has and will struggle for the release of Mooney."

I have with me a copy of the report of Governor Ralph of California, giving reasons for denying Mooney's application for pardon. Among them is Mooney's letter to Mother Jones concerning the dynamiting of Sacramento power



for the purpose of keeping the way open for Communist propaganda.

I am presenting you in this connection with a photostatic copy of the cover of the Communist magazine "Soviet Russia Today", September, 1934 issue, and the article on page 11 of it, by Roger M. Baldwin, as director of the American Civil Liberties Union. It is entitled "Freedom". He starts by saying: "Those of us who champion civil liberties in the United States and who at the same time support the proletarian dictatorship of the Soviet Union are charged with inconsistency and insincerity. 'How can you consistently support the right of free agitation in capitalist countries when you defend a dictatorship that tolerates no agitation against its rule?' we are asked. . . . I; too, take a class position. It is anti-capitalist and pre-revolutionary. . . . I champion civil liberty as the best of the non-violent means of building the power on which workers' rule must be based. If I aid the reactionaries to get free speech now and then, if I go outside the class struggle to fight against censorship, it is only because these liberties help to create a more hospitable atmosphere for working class liberties. The class struggle is the central conflict of the world; all others are incidental. When that power of the working class is once achieved, as it has been only in the Soviet Union, I am for maintaining it by any means whatever. Dictatorship is the obvious means in a world of enemies. . . ."

The American Civil Liberties Union pamphlet issued October, 1934, entitled "Shall we Defend Free Speech for Nazis in America" states "the Union makes no special issue of defense for Nazis. Instances of denial of their rights are few. The time we put on it is slight . . . . Is it not clear that free speech, as a practical tactic, not only as an abstract principle, demands defense of the rights of all who are attacked in order to obtain the rights of any? In other words, the best tactics for defending the rights of Communists, for example, are to defend the rights of Nazis."

Typical pamphlets issued by the American Civil Liberties Union are entitled "Beat the Kramer Sedition Bill", "Sedition in Illinois", "The Gag on Teaching." The latter opposes Bible reading in schools, so-called "compulsory patriotism", such as the display of flags, singing of patriotic songs, memorizing the Constitution and Declaration of Independence. They uphold and carry on legal fights in behalf of teachers and students who are ejected for Red activities. The American Civil Liberties Union fought the case of the Atheist Free-thinkers Society to bar Bible reading in New York Public Schools.

Another pamphlet is entitled "The Attempted Deportation of John Strachey" issued May, 1935. They are now fighting for the admission of Communist John Strachey to the U.S.A. The Communist Party's Daily Worker reported that the reading of Strachey's "Coming Struggle for Power" converted one railroad worker so that he joined the Communist Party and recruited for the cause.

When the Congressional Committee, headed by Congressman Fish, commenced to investigate Subversive Activities, recommended laws to curb Communists, the American Civil Liberties Union issued a leaflet January, 1931, entitled "Call to Action - Help Beat the Fish Committee's Program." And the program was beaten! In May, 1932 they issued another pamphlet entitled "Still the Fish Committee Honeymoon" with advice on how to "effect any use of the report" of the Fish Committee.

I submit a photostatic copy of a leaflet announcing a mass meeting for September 14, 1930, sponsored by the American Association for the Advancement of Atheism, the American Civil Liberties Union and the Communist Party's International Labor Defense. Communism advocates militant atheism and the destruction of the family unit as "capitalistic" and free sex relations. The American Civil Liberties Union fought the case of the Communist Party organizer, Anthony Zinba, accused of blasphemy in 1926. I submit a photostatic copy of a clipping

American Civil Liberties Union, and Felix Frankfurter, with the Communist Party. The letter takes up with the District Organizer the matter of fighting for the right of the Communists to carry on their Party activities. Roger Baldwin's advice is cited throughout. It was thought advisable to have the American Civil Liberties Union act for the Party instead of the Party Organizer or members as they might be arrested and jailed while Civil Liberties Union representatives would not, and the letter says Baldwin "suggested the attorney by the name of Stambaugh that had been recommended by Felix Frankfurter, the prominent Liberal of Harvard University." As Baldwin stated in the Survey Graphic of August, 1927: "The Communists do not find it possible under party auspices alone to reach a wide enough public. When they tackle a job with more than a class or party appeal, they cover up their guidance with a respectable front of non-partisan professors, writers, lawyers and publicists."

I am presenting you with a photostatic copy of clippings from the New York World and New York Times (April 27 and April 30, 1927) concerning the bloody Passaic, New Jersey, textile strike which was led by Communist Albert Weisbord, and called by the Communists a "first lesson in Revolution." To quote the New York World report: "Professor Felix Frankfurter of Harvard, under whom Weisbord was a student, is among counsel for the strike leader, but did not appear in person, sending a brief instead. He held the injunction violated constitutional rights." Frankfurter's letter appearing in the New York Times states that he gave his advice "and without retainer to counsel of the strikers."

That Felix Frankfurter worked closely with the self-avowed Red revolutionary Roger Baldwin even when he was in the War Office, is shown by the evidence on page 1057 of the report of the New York State Legislative Committee Investigating Seditious Activities known as the Lusk Report. A letter from Baldwin to Manley O. Hudson is cited in which Baldwin says: "Lippman and Frankfurter are of

course out of that particular job now." (War Office) "And I have to depend entirely upon Keppel."

Baldwin's letter to Louis F. Lechner, on page 1063 of the same report, shows the camouflage of flags and patriotism which he jeeringly recommends as necessary to put over their Red propaganda.

The history of the American Civil Liberties Union is the history of the entire Communist and Red Revolutionary Movement. I have practically all of the yearly reports of the American Civil Liberties Union with me and can, if the Committee wishes, show in connection with Communist literature that the American Civil Liberties Union has not only fought in behalf of the principal Communist cases of sedition and crime but has donated funds and loans to Communist Party, IWW, and other Red organizations and received along with the I.W.W.'s Communists and Anarchists, thousands of dollars from the Red American Fund for Public Service, commonly known as the Garland Fund because Charles Garland, a radical who served a term in prison for running a "free love farm" established the Fund with inherited money to be used only for radical purposes.

I also have a number of American Civil Liberties Union pamphlets with me. For example, bill S. 2253 "To Punish for Exerting Unlawful Influence upon Army and Navy," was aimed at curbing seditious Communist Party activities in our armed forces. No decent law-abiding American, not intent upon overthrowing the government could possibly object to the provisions of this bill. It was called the "Incitement to Disaffection" Bill. Characteristically, the American Civil Liberties Union issued a pamphlet December, 1934, entitled "Beat the 'Incitement to Disaffection' Bill!"

A full and detailed review of the cases fought by the American Civil Liberties Union shows that practically all of them were fought to aid some phase of the Revolutionary movement, and that the few cases which were not were fought

appeals to members of the Executive Council to refuse confirmation. Councilors have been liberally deluged by a flood of mail on the subject, in which the protests against the appointment greatly outweighs comment of a favorable nature." In reference to the Sacco-Vanzetti case is the following: "I am entirely familiar with the activities of Mr. Frankfurter in this case," said Mr. Keith, "for during the years 1923 and 1924 I was Deputy District Attorney in the Southwestern District under Harold P. Williams, and my activities in the office were in large part concerned with this case. I then believed, and still believe, that Frankfurter and men of his type are a menace to this country and to American institutions. His work, which he published on this case, in many respects misrepresented the evidence entirely, and he took an extremely partisan and prejudicial position at a time when he assumed to be acting in a somewhat judicial capacity."

Another article on Frankfurter's appointment states: "Get a thief to catch a thief, is not considered to be a good rule in selecting men for positions as policemen . . . . A defender of speakeasies and bootleggers would manifestly be unfit for service as an officer to enforce the liquor laws. A general commanding an army would never choose for a member of his staff an officer known to be in sympathy with the enemy. A man who has been a defender and advocate of anarchists, who conspired to overthrow our country by force, is unfit for appointment to any position of authority under the law."

I am also presenting to you a photostatic copy of a full page report in the Public Ledger, Philadelphia, August 7, 1927, of a committee of three appointed by Governor Packer to conduct an independent investigation of the Sacco-Vanzetti trial. The report is headlined "REPORT OF COMMITTEE OF THREE FIRED SACCO AND VANZETTI FAIRLY TRIED AND GUILTY OF MURDER."

I am presenting to you a photostatic copy of the advertisement of the book "The Letters of Sacco and Vanzetti" edited by Frankfurter's wife, Marion

Dorman Frankfurter and the Communist-supporter, Gardner Jackson, with the statement on it: "This volume is sponsored by the following International Committee." Ten radicals are listed including Communist Theodore Dreiser, Maxim Gorki of Russia, a Communist Party author, and Romain Rolland, Communist leader in France and on the Board of the International Union of Revolutionary Writers with headquarters in Moscow.

I am presenting to you also a photostatic copy of the New York Times Book Review of July 10, 1932, concerning the book "Mr. Justice Brandeis, Edited by Felix Frankfurter." One section is by Felix Frankfurter, another by Donald Richberg, and another by Max Lerner. Donald Richberg's socialistic activities are cited in my books. I am submitting a photostatic copy of a leaflet announcing Max Lerner as National Organizer Workers Party, as speaker, Sunday, May 13, 1928, at Union Hall, Russellton, Pa. (The Communist Party was then called The Workers Party of America) In addition I have with me original Communist Party vouchers listing sums paid to Max Lerner for lectures for the Party and original letters written from the Communist Party to Max Lerner giving him his orders. This is illustrative of the affiliations and close associations of Felix Frankfurter. Max Lerner, now professor at Williams College, is also actively connected with the American Student Union, which was formed by a coalition of the Communist and Socialist parties' Youth organizations.

I am submitting a photostatic copy of a letter sent by Communist Party national headquarters to a District organizer of the Party, saying in part: "Under another cover we are today sending you 100 copies of the Sacco-Vanzetti defense pamphlet for sale at the Coldwell meeting."

I am also offering you a photostatic copy of a letter sent out by William Weinstein as assistant executive secretary of the Communist Party, which reveals the close association of Roger Baldwin, as national director of the

Several minor circumstances discounted the truth of this explanation; but the main and convincing one, as against Sacco's explanation, was that he had obtained and carried in his pocket at the very moment of arrest on May 5, 1920, a passport upon which he and his family intended to sail for Italy two days later."

Dean Wigmore says that all of Frankfurter's "palaver seeking to make the reader believe that the judge and prosecutor thrust the defendants' Radicalism into the case, and then illegally and unfairly exploited it - all this palaver is a consummate misrepresentation. The facts were that not a word was offered on the subject in the case in chief; that defendants' counsel themselves insisted on bringing in these facts in defense as the only hope of overcoming the effect of the case in chief. . . . counsel for the defendants stated to the Court that all of the counsel were agreed that it was necessary to go into the subject of radicalism in order to meet the Commonwealth's claim of consciousness of guilt" (due to their admitted lies) saying that "They (the defendants), had to give a reason why they did these things. If they had said nothing they would have been convicted out of hand. It was fatal to the accused, on the homicide evidence if they had not voluntarily disclosed their Radicalism, and so they voluntarily did so, after full consideration by their counsel. . . . So what becomes of the" (Frankfurter) "assertions that the prosecutor made a 'deliberate attempt to excite the emotions of jurors' by the Red testimony, and of his insinuations that the judge illegally 'connived' at making radicalism the dominant issue? These assertions are a gross libel and a cruel falsity. And they stamp the whole article as unworthy of credit; for they are the main basis of its complaint."

One misrepresentation after another is exposed by Dean Wigmore who then takes up "E. THE INTERNATIONAL ASPECT". He says that Frankfurter's article began by attributing to this Sacco-Vanzetti case an "international concern",

to which Dean Wigmore replies: "Yes, indeed. But he fails to tell us the reason it has aroused such an interest. Another 'suppressive veri'; for the reason is a sinister one and that reason is that the two accused appear to be valued members of a powerful international fraternity or cabal or gang who have, since the trial and conviction, sought to give aid to their convicted associates by the most extensive system of international terrorism that the world has known for a century past. Ever since the trial in 1921, this terrorism has been carried on. If it had succeeded, justice in the United States would be at its mercy. . . . Propaganda pamphlets were first distributed in France, Italy, Spain, England, Russia, Mexico, Japan, Central and South America; and the bomb-throwing began at American embassies and consulates. In 1921 a bomb thrown at Ambassador Kerrick in Paris injured his valet. A bomb placed in the American Consulate in Lisbon exploded after the Consul kicked it away. Threats of death were made to American consuls in Peru, France and Cuba. Four continents were dotted with these incidents. Threats of violence were made against officials connected with this trial and the home of Judge Thayer has been almost continuously under special guard. Eight persons in all were injured by these acts of terrorism." A column of these incidents are cited. Then he says: "And this insane resort to violence is invoked in a case which has been misrepresented, by the cabal, all over the world, as a case of persecution for radicalism. The dangerous thing to American justice is that the local representatives, by pressing a button, can set this international force in motion to secure immunity for any one of its members who is charged with any serious crime."

I am presenting you with a photostatic copy of an article in the Boston Transcript of June 28, 1932, to quote: "The drive against the appointment by Governor Ely of Professor Felix Frankfurter of the Harvard Law School to the Supreme Judicial Court grew by leaps and bounds today, centered principally in

San Diego, Calif., Judge Arthur L. Munde.) The case was probably the most outstanding in the history of proceedings filed by the Civil Liberties Union on the Pacific Coast, they stated in their Los Angeles Bulletin "The Open Forum," March 16, 1935 issue, which I have with me.

I am submitting to you a photostatic copy of the original letter, which I have with me, received from the Deputy District Attorney who prosecuted this case, and also a copy of the court testimony of Harry Elmer Barnes of the national committee of the American Civil Liberties Union in which he twice admitted on the stand that he had found "no error of fact" in The Red Network, but said "I do not like her." Four thousand copies of my next book, "The Sacco-Vanzetti Red Record and its Background", issued in August, 1936 at my own expense were purchased for distribution by Jeffersonian Democrats, but the book was not favored by the Republican Party because of my inclusion of the radical activities of certain Republicans. My work is based neither on political motives or personal antagonisms. The rank and file of both major parties, I believe, are sound patriotic Americans.

I first propose to substantiate with documentary evidence my conclusion that Felix Frankfurter has long been one of the principal aids to the Red Revolutionary movement in the United States; that he has, regardless of fee, worked in conjunction with and in behalf of leading Red revolutionaries, and published propaganda for them, working directly with the Communist Party.

Second, I propose to cite such experts as Dean John H. Wigmore, the accepted authority on legal evidence, whose text books are used in American law schools, to the effect that because of Felix Frankfurter's prejudice in favor of radicals, that he is unqualified not only for the Supreme Court Bench but as a lawyer.

### Dean Wigmore's Charge

I am presenting a photostatic copy of an article published in the Boston Transcript, April 25th, 1927, headed "J. H. Wigmore Answers Frankfurter Attack on Sacco-Vanzetti Verdict." Dean Wigmore takes up one charge after another made by Frankfurter and refutes it. He terminates the article by saying: "And finally, why should he, in that popular article, make errors and misstatements which if discovered in a brief of counsel filed in the case would qualify him for proceedings for disbarment!"

The article on the Sacco-Vanzetti verdict by Frankfurter appeared in the March, 1927 issue of Atlantic Monthly. Dean Wigmore's reply first takes up Frankfurter's claim that, to quote, "the jury was specially selected by the sheriff's deputies . . . . We are told again that the jury was 'picked for its respectability'. And the reader would thus never know that in fact a panel of about 75 jurors was examined, and by the trial judge himself, before the twelve were found. Nor that counsel for defense accepted all of them as satisfactory . . . . So that the insinuation of a 'picked' jury was baseless, and worthy only of unscrupulous yellow journalism."

In the next point Dean Wigmore quotes from the evidence and shows that Frankfurter's charge of misrepresentation against the trial judge is instead, Frankfurter's misrepresentation and "a libel on the worthy trial judge in that it charges him with knowing falsity in an official statement."

Concerning the defendants Sacco and Vanzetti, to quote Dean Wigmore: "An important part of the prosecution's case was the captious lies (admittedly) told by the accused on their arrest - lies about their weapons and their whereabouts. These lies, betraying their consciousness of guilt, were explained by the accused as due to the supposition that they were being arrested preliminary to deportation as alien Reds, and to their fear of being deported to Italy.

[illegible]

...ascends to the Supreme Court, that judicial body will  
as a core theorist of the law viewing around political and  
even behind a vast array of law books. These the remainder of the  
is the most beautiful case in Boston eleven years ago will suggest  
if carefully examined expostions from him, and they will be  
in his little book called "Justice Holmes and the Constitution".

Specifically upon the power of government to regulate business, Brundage could unquestionably learn toward what is usually described as the "public end" in a past criticism of the Oklahoma law enacted by the court, he wrote that state legislation involved attempted to "subject the law business to a regulation instead of a direct control," but the Supreme Court "should have this very easy in regulation economy . . . and for a time at least unaffiliated competition was given the character of the United States Constitution." It is reasonable

(Extract from "Note in America")

The retention of Professor Frankfurter at Harvard has called forth a great deal of criticism from men in public affairs, Harvard graduates and others. When he was counsel for President Wilson's Mediation Commission in the Honey case, in California, he had the temerity to try to influence Theodore Roosevelt in the work he was doing in the endeavor to aid money. This case from the commission, these Americanism has never been questioned by friend or foe, the following letter, the existence of which few people know:

"I thank you for your frank letter. I answer it at length because you have taken and are taking . . . an attitude which seems to me to be fundamentally that of Trotsky and the other Bolshevik leaders in Russia; an attitude which may be fraught with mischief to this country.

"As for the conduct of the trial, it seems to me that Judge Dunn's statement which I quoted in my published letter covers it. I have not been able to find anyone who seriously questions Mr. Dunn's character, judicial fitness and ability, or standing. Moreover, it seems to me that your own letter makes it perfectly plain that the movement for the recall of Rickart was due primarily, not in the least to any real or general feeling as to the alleged short-comings on his part, but to what I can only call the Bolshevik sentiment. The other accusations against him were mere camouflage. The assault was made upon him because he had attacked the murderous element, the dynamic and anarchy group of labor agitators. The movement against him was essentially similar to movements on behalf of the Hoffmanns, and on behalf of Meyer and Baywood. Some of the correspondents who attacked me frankly stated that they were for Honey and Milling's just as they had been for the Hoffmanns and for Meyer and Baywood. In view of Judge Dunn's statement it is perfectly clear that even if Judge Dunn is in error in his belief as to the trial being straight and proper, it was an error into which entirely honest men could fall.

"But the question of granting a re-trial is one thing. The question of the recall is entirely distinct. Even if a re-trial were proper this would not in the least justify a recall - any more than a single grave error on your part would justify your impeachment, or the impeachment of President Wilson for appointing you. Present order and the I. W. O., and the direct action anarchists and agitators for anarchy are never concerned for justice. They are concerned solely in seeing one kind of criminal escape justice, precisely as certain big business men have in the past been concerned in seeing another kind of criminal escape justice. The guiding spirit in the movement for the recall of Rickart cared not a rap whether or not Honey and Milling were guilty; probably they believed them guilty; all they were concerned with was seeing a rebuke administered to, and an evil lesson taught all public officials who might take action against crimes of violence committed by anarchists in the name of some form and violent protest against social conditions. Murder is murder, and it is rather more evil when committed in the name of a professed social movement. It was no mere accident, it was the natural sequence of cause and effect that the agitation for the recall of Rickart, because he fearlessly prosecuted the dynamiters (and of course no human being doubts that

- 2 -

Milling and Honey were in some shape or other privy to the outrage) should have been accompanied by the dynamic outrage at the governor's mansion. The reactionaries have in the past been a great menace to this Republic, but at this moment it is the I. W. O., the Communist Socialists, the anarchists, the foolish creatures who always protest against the suppression of crime, the pacifists and the like, under the lead of the Soviets and in Palestine, and Germany, and Millingite, the Present Order and Anti Racketeers and Bolshevik tyrants who are the really grave danger. These are the Bolsheviks of America, and the Bolsheviks are just as bad as the Communists, and are at the moment a greater menace to orderly freedom. Bolshevism and Leninism and most and perhaps were just as evil as the worst tyrants of the old regime, and from 1891 to 1894 they were the most dangerous enemies to liberty that the world contained. When you as representing President Wilson, find yourself obliged to champion men of this stamp you ought, by unequivocal affirmative action, to make it evident that you are sternly against their general and habitual line of conduct.

"I have just received your report on the Rickart deportation. One of the prominent leaders in that deportation was my old friend Jack Greenberg, who has just been commissioned a major in the Army by President Wilson. Your report is as thoroughly misleading a document as could be written on the subject. An official writing on behalf of the President is to be excused for failure to know, and clearly to set forth that the I. W. O. is a criminal organization. To ignore the fact that a movement such as its members make into Rickart is made with criminal intent is precisely as foolish as for a New York policeman to ignore the fact that when the 'bye gang' assemble with guns and knives it is with criminal intent. The President is not to be excused if he ignores this fact, for of course he knows all about it. No human being in his senses doubts that the men deported from Rickart were bent on destruction and murder. If the President through you or anyone else had any right to look into the matter, this very fact alone that he had been misled in his duty to provide against the very grave danger in evidence. When no official means are employed to guard honest, quiet and well behaved citizens from the most brutal kind of lawlessness it is inevitable that these citizens shall try to protect themselves. That is as true when the President fails to do his duty about the I. W. O. as when the police fail to do their duty about gangs like the 'bye gang' and then, either the President or the police, personally or by representative, rebuke the men who defend themselves from criminal assault. It is necessary sharply to point out that far heavier than attacks on the authorities who fail to give the needed protection, and to the investigation who fail to point out the criminal character of the anarchistic organization against which the decent citizens have taken action.

"There again you are exposed in excusing and precisely like the Bolsheviks in Russia, who are murderers and encouragers of murder, who are traitors to their allies, to democracy and to civilization, as well as to the United States, and whose acts are nevertheless justified for on grounds, my dear Mr. Frankfurter, substantially like those which you allege. In times of danger nothing is more common and nothing more dangerous to the Republic than for men to avoid condemning the criminals who are really public enemies by making their entire assault on the short-comings of the good citizens who have been the victims or opponents of the criminals. This was done not only by 'Action and Conspiracy', but by many of their ordinarily honest associates in connection with, for instance, the 'Copperhead movement.' It is not the kind of thing I care to see well meaning men do in this country.

Sincerely yours,

"Theodore Roosevelt."



## A FRIEND OF THE BRAIN TRUST SPEAKS

By E. J. WOLF

Felix Frankfurter Says That Government Must Call More  
And More on Disinterested Men of Skill and Wisdom

IN no previous administration has the college professor been so often called upon for advice as in the present one. Even when Woodrow Wilson, himself a college professor, was in the White House the principal advisers of the President were chosen from among so-called "practical men." President Harding, Coolidge and Hoover relied very little on the college for help. Then came President Roosevelt, with a change in policy. He not only asked the professors for counsel but he appointed some of them to office. The Brain Trust became an integral part of the New Deal.

In the creation of this so-called Brain Trust Professor Felix Frankfurter (Hynes Professor of Administrative Law at Harvard) has played an important part. He will deny it if you ask him. He depreciates any influence he has had either in the formation of the policies of the New Deal or in the selection of the men to carry it out. He shrinks from publicity and prefers the quiet of the library to the excitement of Washington.

It is pretty well known that had he wanted to he could have become Solicitor General of the United States but he desires no public office. In 1922 Governor Fy of Massachusetts nominated him for the State's Supreme Judicial Court. He declined the nomination explaining: "I have other responsibilities to the law which I feel I ought not to cover. As against the reputation for immediate achievement on the bench the long-time effects of legal education make their claim. The grave problem already upon us and those looming upon the horizon require as never before a courageous and learned bar and from such a bar some can come as a gift to the judiciary. The future direction of law and bench or be determined by the quality of our own actions."

The choice was not easy but he felt that the fabric of the law must be designed chiefly by the law schools and so instead of mounting the bench he remained at his desk in his office in the Harvard Law School.

It was there no need for me. I do not think he would have done so had it not been for the old-time memories of his boyhood in a red brick Quaker building at Twenty-third Street and Lexington Avenue where as a boy but four or five years from Vienna he climbed the croaky wooden stairs of the College of the City of New York. We were students there at the same time.

EVEN in those early college days young Frankfurter was determined to become a lawyer. He was a bright, quick, well-built boy who graduated third in his class. He had vision and imagination. Yet it is doubtful he was in one of those old oak chairs with their broad arms which covered no desks and listened to Horace Mann expound Latin and watched Thiel and over Homer or as he jotted down notes on Johnson's lectures in American history that even in his wildest flights of fancy he could see the fruitful future that was to be his.

The very brown hair of those days is now lapped with gray but there is the same alert figure, the same charm and the same inherent eloquence, a eloquence which even today catches itself when he is called upon to address a court.

There is little of the established conception of the professor in his manner or his appearance. His manner is unassuming. He is calm and collected. He works of tremendous speed and accomplishment with a little time. He is one of those people who can show through a book and still not be weary. Although he has the spirit of the scholar, in the midst of important work he will pick up his telephone and hold a long conversation with

a friend upon an extensive subject.

As he writes his lectures or prepares an article he often whistles an air from an opera, an air he heard his father sing in old Vienna years ago. Like most Viennese he enjoys good food and a little wine. He smokes an occasional cigarette, but objects to such new-fangled gadgets as lighters. For fountain pens also he has no use. His contributions to liberal magazines are either written in pencil or with an old-fashioned steel pen.

This is characteristic of the man. Liberal that he is, he will not

that the tests and conditions that confront democracy give cause for concern. Overeducation is a great destroyer of vision and nineteenth-century democracy suffered from the blinding of stupidity. Vast hopes were founded on simple faith, and popular rule was expected to work without almost automatically.

"We have come to realize that democracy is not an automatic device for good government. We now know that, more than any other form of government, it is dependent upon knowledge and wisdom. Government no longer means merely to

has been an ardent foe of socialism during all his career. He is a liberalist distinguished by the creation of the most far-reaching political machinery for economic purposes and the most daring attempt to control the free play of economic forces which up to that time our country had witnessed.

"It is foolish to feel blind resentment against government by communism. Now there call for new social processes, Technology, large-scale industry and modern inventions present new problems. The vast changes brought about by industry during the last century re-

fresh and control the economic life of the government was a step both to limit and to discipline that which constituted a threat to the Constitution was adopted.

"But the Constitution is flexible. Take the doctrine of the separation of powers—a doctrine which all bodies continue against themselves in government through the shifting concentration of power. Such of this in the purpose, not to avoid litigation, but, by means of the flexibility inherent in the Constitution of governmental powers among three departments, to prevent interference.

"The Supreme Court has not treated this separation of powers as a technical legal doctrine. For the most part it has refused to draw abstract analytical lines of separation. Functions have been allowed to overlap as to which Congress itself might have legislated. Neither have been drawn from power and vested in the Executive. There have been instances where executive judgment on highly complicated facts. Enforcement of a right conception of separation of powers would make modern government impossible.

"The difficulties that governmental encounters from law do not exist in the Constitution. They are due to the judges who interpret it. As Chief Justice Hughes said when he was Governor of New York, 'We are under a Constitution but the Constitution is what the judges say it is.'"

UNDOUBTEDLY Professor Frankfurter's advice regarding toward the two men mentioned by Justice Oliver Wendell Holmes, whose portrait hangs on the wall behind him, as he speaks. The same year that Justice Holmes was appointed to the Supreme Court bench Professor Frankfurter was graduated from college. That was thirty-two years ago.

For a year he taught school and was a clerk in the Tenement House Department of the City. Then he entered Harvard Law School. Finishing the course with the highest honors in his class and chosen a member of the staff of the Law Review, he was recommended to Henry L. Stimson, then United States Attorney, Southern District of New York, by Dean Ames.

"It was a period," said Professor Frankfurter referring to the time of his appointment to Mr. Stimson's staff, "when our old ideas of laissez-faire were ending. It was the formation of a narrow, conservative conception of government. It marked the entry of the government widely into the secular affairs of society."

The industrial growth of the country following the Civil War had been magical. Railroads connected East and West. Telegraphs and telegraphs made neighbors of men living miles apart. Big cities became bigger, and a population which had been relatively homogeneous became a democracy made up of people from different lands. Radical ideas let loose by the American Revolution, the French Revolution and the revolutionary movements of 1848 played a part. Modern society is substantially reflected in legislation. Theodore Roosevelt's Big Stick was wielded largely to obtain from Congress legislation to control big business and to promote social legislation.

IN the long series of prosecutions and litigations that marked the new activities of the Federal Government the young Assistant District Attorney played an important part. He was active in the whole case against the New York Quaker Railroad and other trust firms and the American Sugar Refining Company. He helped in the proceedings against E. H. Harriman and he participated in the case against Charles W. Morse and P. Augustus Heine. He went after the sugar trust and in that of

(Continued on Page 18)



Drawn from life by E. J. Wolf

"Democracy Is Dependent Upon Knowledge and Wisdom."

change old laws for new merely because they are new. On the other hand he does not object to trusting the old.

PROFESSOR FRANKFURTER has no patience with those who would by democracy and laissez-faire who produce no future.

"Those who object to governmental intervention," he said, "in speaking of modern trends in democracy—distinct popular institutions as much as those who reject from government because upon earth, and that to a little less work to expect. There is no denying the fact

not as politicians and to secure acceptance of elementary democracy. It has become one of the dogmas of civilization."

"The first break with the old ideas occurred almost half a century ago. In 1887 the Interstate Commerce Commission was established and with it began a new era in governmental regulation and control. Although since 1887 up to the inauguration of Mr. Roosevelt such President has navigated against government by intervention, nevertheless there has been a steady extension of these commissions. Even Mr. Hoover who put his philosophy of individualism into a book and

called it a steady extension of legal control over economic and social interests."

"At first State intervention was limited itself through specific legislative directions depending upon criminal law. Gradually this has changed. By the pressure of emergency, legislative regulation of economic and social activities has turned to administrative legislation."

"The various acts which have been passed," he continued, "not only by this administration but by the last six or seven preceding boards and administrations to regulate various aspects of our eco-



# FELIX FRANKFURTER: THE MAN BEHIND THE LEGEND

A Liberal Teacher  
Rises Above Myths

By R. L. DUFFUS  
CAMBRIDGE, MASS.

**B**EFORE and since the President nominated Felix Frankfurter to the Supreme Court of the United States the public has been regaled with rumors leading to show that this quiet professor in the Harvard Law School is an extraordinarily mysterious person. Professor Frankfurter has been, in fact, something of a legend for at least five years past. The stories that have been spread have given him credit for far more influence than even a Harvard professor of administrative law would ordinarily possess.

The medium of truth in these reports, as one finds by inquiring in Washington and in Cambridge, is that Mr. Frankfurter is not only one of the keenest legal minds in the country, one of the best teachers and one of the best informed men to be found between the two oceans, but also a remarkably good judge of human nature. Consequently he has often been asked, over a period of many years, to suggest Harvard Law School graduates for both public and private jobs. Frequently these youngsters have come back to him for advice. Frequently, too, those who hired them have also asked his advice. He has been influential because the boys he nominated have usually made good and because the advice has usually been sound.

**I**F one consults well-informed Washington sources one finds no doubt that Professor Frankfurter's counsel was steadily sought by President Roosevelt during the first year or two of his Administration and intermittently thereafter. There is no doubt, either, that some of the President's actions were thereby influenced. Mr. Frankfurter it is believed can be credited with favoring the forthright handling of the emergency arising during the "hundred days" with the development of social welfare legislation and the reforms of the banking and securities exchange systems perhaps with the text and spirit of the early fire-side talks. At one time he spent several weeks in the White House though the best information is that "rums" were put to him he said "no" as often as he said "yes." Certainly he never let his relationships with the Administration go to his head. His intimates were never led to believe that he approved the court plan in its entirety.

The Frankfurter "boys" have been coming to Washington ever since the days of the Hoover Administration. Thomas Corcoran, Benjamin V. Cohen, Jerome Frank, Dean Archbald, John Burns and Thomas Blount are among them. Some are radical reformers, others, like Archbald, are not. However wise of the "boys" are to be found in corporate law offices and other pri-



Felix Frankfurter—"He joins intellectual conversation with a humoristic warmth which at times is burning hot."

Associated Press and Peter S. Kaufman

rate employ than are at work for the Government. They are of all sorts and of all shades of opinion and temperament. To his

friends Professor Frankfurter points out that he is by no means the only teacher in the Harvard Law School faculty. Other people, not himself, have taught the Frankfurter legal on to many graduates. At the same time it must be admitted that many do consider themselves as primarily Frankfurter men.

But in Cambridge, at least, the picture of Felix Frankfurter as a power behind the throne, holding the reins of empire and guiding the destinies of nations, is dimmed with a simple and emphatic word. It is, his friends say (twice).

**P**ROFESSOR FRANKFURTER has not been giving private interviews to reporters and they must therefore build up from such data as they can get the portrait of the student and teacher of constitutional law whose opinions in years to come are likely to be constitutional law. The masses of information about him are not difficult to access, for there has certainly been nothing mysterious about the way in which he has lived and worked in Cambridge. Or if there has been a mystery it has been how one man could do so much as well.

One explanation is that Felix Frankfurter loves to work. He works quickly and he also works long hours. He does not know how to stop and play games. He has a few hobbies, such as a collector's passion for chess which he shared with the late Justice Brandeis. He is a state being and there is that reference to a great range of topics with his friends. He does not telephone about anything or

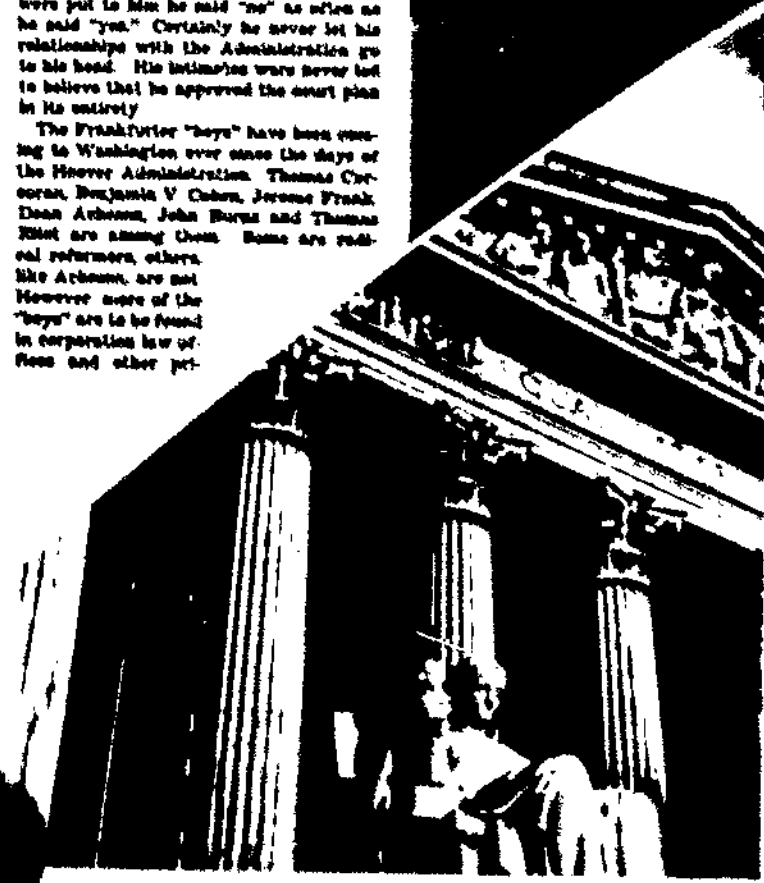
nothing. But his mind is on his work. Once, some years ago, two colleagues induced him to go with them to a light-weight boxing match. As the project of sweat and battery in the arena reached its climax and the inebriated spectators kept yelling to their feet Frankfurter turned to one of his companions. "Did you read," he asked, "that last opinion of Justice Holmes?"

It is also literally true that he has been seen walking along the streets of Cambridge poring over copies of recent Supreme Court decisions. Moving past over them he made their contents permanently his. Usually he does not have to use an index when he wants to consult an opinion.

**T**HE present writer first knew Professor Frankfurter more than a decade ago. In the intervening years, in the data gathered in Cambridge indicates, he has not greatly changed. At 24 he keeps many qualities of youth. By nature he is blunt and open. If he had had to start himself off from his many warm friends of the press that had been because the proprieties of the situation seemed to him to demand it. He will have to mortify some of his own ideas to the same proprieties for the latest review of the work of the Supreme Court, which he prepared in collaboration with his advanced students, is now ready for publication but cannot be published.

The word "dominating" as the picture builds up, is the last adjective one would associate with him. His mind may dominate for its force, clarity and its concentration of knowledge, but his personality is Socratic. He likes better to ask questions than to answer them. He teaches by asking questions. He will have all the dignity that a Supreme Court justice requires but it will never be, if he sits on the court for a generation, the challenge of dignity.

He is chief of justice, constituted in nature, different. (Continued on Page 24)



(Continued from Page 2)

His face and head are roundish—an ethnologist would call him brachycephalic. His hair is gray, thinning and receding at the temples. His eyes twinkle when he has his eyelashes on and seem to grow at once more serious and more thoughtful when he takes the glasses off to make a gesture. The eyes are of uncertain color. The wife of one of his colleagues on being queried believed they were gray with a tendency toward hazel. His complexion is healthy and the wrinkles are those of a man who hath smiled a good deal and thinks a good deal. His skepticism for some reason is most evident in the profile in the LM of the nose and not of the chin. It is not a destructive skepticism. He merely wants to be shown.

If there is fiction among these books the volumes in question probably belong to Mrs. Frankfurter. Professor Frankfurter has no quarrel with fiction; he just cannot as a rule read it. He can and does go through other kinds of reading a page at a time, grasping and remembering what he reads. Reading matter of any kind, always with the exception of novels attracts him; his heavy affairs are too "going into a friend's house he turns to the reading table first and turns over what is on it as he talks. The more thoroughly

**V**ISITORS to the Frankfurter House after the news of the assassination was made public found him as busy as the presidential secret-armed paperhangers may be but not inclined as Comrade Wolfgang Liebknecht was and others were coming to by the demand. There was the question of the possible or possible parking up to move to Washington. There were the duties of the three performers, which President Franklin D. Roosevelt's business they might have to consider. The day had been a busy one for the president. The day had been a busy one for the president. The day had been a busy one for the president.

He teaches a method of research and analysis rather than a doctrine. In fact nothing excites him more than the negative.

**HENRY L. STIMAN** later Secretary of War was then United States Attorney for the Southern District of New York. He needed a bright young man. Dean James Duff Ames of the Harvard Law School recommended Frankfurter. Frankfurter wrote to the dean for advice. The dean replied, presenting the pros and cons as to a legal argument, but reminding him that he must make his own decisions—an admission which Frankfurter remembered, practically and judiciously. Frankfurter went with Stimson, had a share in public cases and began that slow work to Washington during Taft's administration, when Stimson *et al.* served as law officers for the Bureau of Indian Affairs remained for a time under Secretary Fisher.

plain more clearly by analogous cases why it refused to take participation.

IN trying to decide what kind of judge Mr. Frankfurter will be, one has to consider the influences which have acted upon him. He would probably put first that of James Barr Ames, dean of the Harvard Law School when Frank-

Professor Frankfurter's nomination to the Supreme Court; he gave his advice without fee to the striding battle weary of Franklin; he helped in the campaign to win a new trial for the British-born boys.

Those activities did not condemn him to Terry Huston or to Toots anywhere. Had it not been for his unshakable legal genius and his sterling integrity they might have piled him out of the Harvard Law School. Yet if they proved him a radical then the writers of the Declaration of Independence and the authors of the Federal Constitution were also radicals. He was standing for the rights of the citizen because on almost everything he wrote on the subject showed, he did not believe a Democracy could survive if those rights were not always and everywhere respected.

**T**HERE is no word in any of the writings of Professor Frankfurter to indicate that he believes in sudden change. That he understands the achievements of the past, or that he regards human society as a machine. His conception is thoroughly organic. Just as Meiners was things grow and growth can be guided. His realism is illustrated by his speech at the Survey Associates dinner in December 1991.

In any kind of society there is bound to be a certain degree of conflict between self-interest and social interests. We believe in communism in the sense of the absence of conflict and the feeling of man against man in a fair field. We not only find these things for themselves as the spontaneous expression of personality in a free society, we also depend on them to get things done. The dynamic of any practically potent is self-interest, which may come from more fully good to generous types of self-expression. We must of them <sup>the</sup> powerful dose of self-interest to perform the common tasks of modern society. But in the commencement of any task it should be trusted to do the whole lot by itself and in various kinds of constructive co-operation, including the largest job, so which we all taking care of. The government, must be, first, to set up self-interest where it is doing better of naturally to perform these tasks of interest and which must be done collectively.

**In The Year Low Income Taxpayers**  
**Should Be Cared**

The development of American Government has been a process of continuous growth between the individual and the community. In the future, however, we will have to pay more attention to the individual by legislation. It is this individualism by which of their respective functions the U. S. has attained the standing time for the transformation of our democracy.



**Fair's Frankforter**— One can foresee the quick success of this at one of these court appearances.

time he made the students  
 say with Japanese and then made  
 them not to answer the word.  
 He often encouraged students  
 with these instructions he doesn't  
 agree but we have to him (21)  
 for the perspective job. (22)  
 a student said to him: I know how  
 to get on with you. (23)  
 you.

**P**ERHAPS FRANKLIN D. ROOSEVELT has never made much of the early struggle by which he arrived at his present position, nor has he claimed to have beforehand where he was going. "I never had much to do with it," he maintains, "the time to guide the wheel with which a powerful, organized mass introduced him as a leader."

Paul Frankforter born in Vienna in 1902 brought to this country at the age of 17 and set the down through the White House through securing his membership in Hitler's paramilitary which by one vote put him in a post.

As every one knows by this time Paul Frankforter did serve in America at the age of 17 during the years of England's first and last campaign when he killed 1,000,000 people however the all he did was to help, save many lives.

THE END

The Editors, 1944

Harvard. Apparently he could not have been more surprised if "underlie" had driven up in a gold coach drawn by six white horses and invited him to take a ride. His suddenly his lack of self-maintenance, the objectivity of his mind -- all these were and are genuine. At Harvard he found what proved to be a lifelong career broken only by his service during the war as chairman of the War Relocation Authority Board and in other capacities.

He gave his energies to study and to teaching. For a number of his collection of the best of his published works is not long. He has not dared to turn off casual visitors or back visitors. What he has written, however, is important. One may mention "The Elements of the Supreme Court," written with James M. Lewis in 1928, "The Labor Movement," in which he collected all with Nathan Greene in 1930, and last year "Mr. Justice Holmes and the Supreme Court." His yearly studies of Supreme Court cases and procedure have had their influence. There probably had much to do with the recent efforts of the court to give more opportunity to the poor in hearing their cases.

Farmer was a student there. Ames had been a student of Dean C. C. Langford, who originated the famous case system of studying law. He modified the system and made it work. His method of teaching was Frankfurter's has been, too. So much. Like Frankfurter he was killed when his students argued with him. Like Frankfurter he liked nothing less than loose agreement or learning by rote.

Justice Brandeis and the late Justice Holmes have also had a definite influence on Professor Frankfurter. He learned from both men without imitating either. He has Holmes's grasp of general principles. He and Brandeis's perception of the ———— importance of details and of the close relationship between law and economics. Like Holmes he is keenly aware of the basic significance of the Bill of Rights.

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W

**SENATE CANNOT PASS**

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